

July 08, 2025
(48) ARDR

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

**Re : CRAN 2 of 2025
In
CRA (DB) 42 of 2024**

In Re : An application for cancellation of bail under Section 21(4) of the NIA Act, 2008.

Re : **National Investigating Agency (NIA)**
...Applicant.

Mr. Vinod Agarwal,
Mr. Debanjan Das,
... for the applicant.

Ms. Suman Sehanabis,
Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah,
...for the opposite party.

This is an application for cancellation of bail granted to the opposite party accused by virtue of the order dated 31 July, 2024 passed in CRA (DB) 42 of 2024.

Briefly, the accused was charged with offences under sections 489B/489C of the Indian Penal Code and 16/18/20 of UAPA Act, 1967. Pursuant to the rejection of bail application by the jurisdictional Court, the accused had filed a criminal appeal being CRA (DB) 42 of 2024 under Section 21 of the Act.

By an order dated 31 July, 2024 a Coordinate Bench had granted bail to the accused on the condition of the petitioner furnishing bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the

satisfaction of Special Judge under NIA Act, 1st Court, Siliguri. One of the said sureties must have landed property within the territorial jurisdiction of the Trial Court. Such order of bail was subject to further condition that the petitioner shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend each and every date of trial. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the Court and/or tamper with the evidence in any manner whatsoever.

It is contended on behalf of the applicant that in violation of the above condition, i.e. not to leave the territorial jurisdiction of the Trial Court, the accused had during the month of January, 2025 left the territorial jurisdiction of the NIA Special Court, Siliguri, District Darjeeling and had visited another district, District Purba Bardhaman, West Bengal without permission of the NIA Special Court, Siliguri. Thereafter, it is alleged that on 6th January, 2025 the accused had visited the school of his daughter being “Sri Sri Ramakrishna Saradapith Urban Junior Basic School” located at Purba Bardhaman District and tried to withdraw his daughter from the school without the consent of his ex-wife.

Upon an enquiry being conducted, it transpired that the accused had actually violated the condition for bail by visiting the District of Purba Bardhaman.

In view of the above, the Investigating Agency prays for cancellation of bail of the accused. It is also contended on behalf of the investigating agency that the accused had filed a criminal case against his in-laws alleging that they have kidnapped his wife and daughter.

On behalf of the accused, it is contended that though there has been one incident of the accused having violated the condition of bail, there is no question for cancellation of the bail granted to the petitioner. There appears to be an underlying matrimonial dispute pertaining to the accused and his ex-wife which also involves taking custody of their daughter. However, these facts do not warrant cancellation of bail of the accused.

In ***Dolat Ram and others vs. State of Haryana*** reported in **(1995) 1 SCC 349**, the Hon'ble Supreme Court held that ordinarily the grounds for cancellation of the bail are interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner.

Though there has been an infraction of one of the conditions for grant of bail, i.e. not to leave the territorial

jurisdiction, there is nothing to demonstrate that the accused has sought to interfere or has attempted to interfere with the due course of administration of justice or evaded or has attempted to evade the due course of justice. The solitary incident of visiting the school of the accused's daughter is borne out of a matrimonial discord and does not pertain to the offences for which the accused has been charged.

In such circumstances, the instant application does not warrant cancellation of bail which has been granted to the accused. There is no serious impact on the trial nor any adverse impact which is sought to be interfered with nor has there been any misuse of liberty or indulgence in similar illegal activities while on bail.

Accordingly, CRAN 1 of 2025 stands dismissed. However, there shall be no order as to costs.

In view of the submission made on behalf of the accused and with the consent of the Advocates appearing for the accused, the accused is in addition to the earlier conditions of bail is also directed to meet the Officer-in-Charge or the Duty Officer of the Siliguri Police Station once a fortnight.

(Md. Shabbar Rashidi, J.)

(Ravi Krishan Kapur, J.)