

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

04.04.2025
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Ct. No. 7
sdas

**C.R.R. No. 728 of 2025
(Assigned)**

In Re : An application under Article 227 of the Constitution of India.
And
In Re : Urmila Dey & Anr.petitioners

Mr. Tara Pada Das
..... for the petitioners

Mr. Suman De
Mr. Arani Bhattacharyya
..... for the State

The present revisional application has been filed to challenge the order dated 16th January 2025, passed by the learned Judge of the Special Court under the SC & ST Act, Howrah. The order in question denies the petitioner's request to submit a fresh bond of Rs. 10,000/- in place of the previously submitted fixed deposit certificate of Rs. 1,50,000/- and to withdraw the earlier bond.

The key facts that need to be outlined for the effective adjudication of the present revisional application are that based on a complaint, one Howrah Police Station Case No. 34 of 2018, dated 3rd May 2018, was registered against petitioner no. 2 under Sections 376/506 of the Indian Penal Code. During the investigation, petitioner no. 2 was apprehended and remanded to judicial custody. The petitioner subsequently filed an

application for bail before this Hon'ble Court, which was registered as CRM No. 5031 of 2018. Record shows that, by an order dated 20th July 2018, an Hon'ble Division Bench of this Court granted bail to the accused/petitioner no. 2, subject to the condition of furnishing a bond of Rs. 10,000/- along with two sureties of like amount, one of which would be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah.

Petitioner no. 1 stood as the local surety for petitioner no. 2 and submitted a fixed deposit certificate of Rs. 1,50,000/- as a surety bond against the bond of Rs. 10,000/-. The bond was accepted by the learned Chief Judicial Magistrate, Howrah. The order dated 27th July 2018, passed by the learned Chief Judicial Magistrate, Howrah, instructed the concerned Manager not to transfer or encash the said term deposit without prior orders from the Court.

Subsequently, upon completion of the investigation, a charge-sheet was filed against the petitioner, and the case was committed to the court of the learned Sessions Judge, Howrah. The case was thereafter transferred to the court of the 1st Additional Sessions Judge -cum Judge, Special Court under SC & ST Act, Howrah (hereinafter referred to as the learned Trial Court), for trial.

Record further reveals that petitioner no. 1 filed an application before the learned Trial Court, stating that although she was required to furnish a bond of Rs. 10,000/-, she had no other fixed deposit or cash certificate available. Therefore, she had submitted her sole fixed deposit certificate of Rs. 1,50,000/- to stand as a local surety. However, due to her severe financial crisis and the urgent need for a knee replacement surgery, she sought to withdraw the fixed deposit certificate. She undertook to submit a fixed deposit certificate of Rs. 10,000/- in place of the Rs.

1,50,000/- fixed deposit certificate. Despite this, her request was denied by the order under challenge in this revisional application. As a result, she has been compelled to file the present revisional application.

Mr. Das, the learned advocate representing the petitioners, undertakes to submit the affidavit of service during the course of the day. Arguing on the merits, he submits that petitioner no. 1 is in urgent need of knee replacement surgery and is facing a severe financial crisis. Given the circumstances, she requires a major operation but currently has no available funds, which led her to make the application before the learned Trial Court. He contends that the learned Trial Court should have adopted a pragmatic approach and accepted the petitioner's request. Mr. Das prays that an appropriate direction be issued, allowing the release of the fixed deposit certificate in favor of petitioner no. 1, upon the acceptance of a fresh bond of Rs. 10,000/- from her.

Mr. De, the learned advocate representing the State, submits that petitioner no. 1 has made an innocuous prayer, and if such a prayer is granted, the State has no objection.

Undeniably, by making this application, petitioner no. 1 does not intend to evade her responsibility as a local surety. As mentioned earlier, she has undertaken to deposit a fixed deposit certificate of Rs. 10,000/- and seek the withdrawal of the previously submitted FD certificate. The learned Court below is well-equipped with the necessary authority to address the situation if petitioner no. 1 fails to comply with the conditions of the bond. The learned Court erred in overlooking these issues, and therefore, the order under challenge in this revisional application is hereby set aside.

In such conspectus, taking note of the factors mentioned above and the submissions made by the learned advocates for the respective parties,

I direct the learned Additional Sessions Judge, 1st Court-cum-Judge, Special Court under the SC & ST Act, Howrah, to pass an order for the acceptance of a fresh bond of Rs. 10,000/- from petitioner no. 1. Upon such acceptance, the fixed deposit certificate of Rs. 1,50,000/- standing in the name of petitioner no. 1, who acted as the local surety for the accused, petitioner no. 2, shall be released.

With these observation and order, the revisional application is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)