

11.09.2025
Item No.12
Ct. No. 446
PG

C.R.R. 1156 of 2025

Chantal Ehouman

Vs.

The State of West Bengal.

Mr. Deepak Kr. Prahladka
Ms. Reshmi Khatun
Ms. Indrani Das
Ms. Subhasish Dasfor the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Aritra Bhattacharya.....for the State

1. This application under section 438 of the Code of Criminal Procedure, 1973 read with section 528 of the BNSS, 2023 has been filed for modification of the order granting bail by the learned Court of Chief Judicial Magistrate, Alipore, South 24-Parganas on 11th February, 2025 in connection with Lake P.S. Case No. 221 of 2024 dated 12th November, 2024 under sections 339/336(2) of the Bharatiya Naya Sanhita, 2023 and section 14(a) of the Foreigners Act.
2. It is submitted by the learned advocate representing the present petitioner, who is in custody, that the order of bail was granted by the learned Court on 11th February, 2025 and the petitioner/accused is a foreigner and that while imposing condition, the amount of interim bail bond, which has been imposed is exorbitant of Rs. 60,00,000/- and being a foreigner, it is difficult for the

petitioner to arrange for the same and it would amount to denial of bail since the petitioner will not be able to be released on satisfaction of such condition imposed. In this regard, the learned advocate has relied upon the decision of the Hon'ble Supreme Court reported in **2024 INSC 479 : Frank Vitus vs. Narcotics Control Bureau & Ors.** It is submitted that in connection with the NDPS Act while granting the bail, a condition was imposed, where the amount of surety deposit was Rs. 1,00,000/-, which was modified.

3. The learned Prosecution on the other hand also has not raised any such objection regarding the quantum of the bail bond, if be reduced; however, otherwise, submits that the serious allegation of fraud is levelled against the petitioner and charge-sheet has been submitted and the matter has been transferred for the trial.
4. Having heard both the learned counsel and on going through the materials on record and the order impugned, it transpires that the learned Court, while granting an order of interim bail, the amount of bail bond is mentioned as Rs. 60,00,000/- with two sureties of which one must be court registered surety to the tune of Rs. 10,00,000/- and another must be local surety to the tune of Rs. 50,00,000/- i.d. to JC till 25th February, 2025.

5. It further transpires that the petitioner being a foreign national has not yet been able to get herself released as she could not arrange for the sureties of such hefty sum.
6. In the above facts and circumstances and considering the settled proposition of law that the bail condition should not be arbitrary or fanciful since the object of imposing condition of bail is to ensure that the accused does not interfere or obstruct in the investigation in any manner, remains available throughout the investigation, does not tamper with or destroy evidence and remains regularly present before the trial Court and does not create any obstruction in expeditious conclusion of the trial, definitely the amount appears to be a very hefty amount and it would subserve if the amount bail is reduced to Rs. 10,00,000/- with two sureties of which one must be Court registered surety to the tune of Rs. 5,00,000/- and another must be local to the tune of Rs. 5,00,000/- .
7. Accordingly, this revisional application stands disposed of with the above modification.
8. It is now pertinent to mention herein that in this case the affidavit has been affirmed by the learned advocate representing the petitioner himself. The learned advocate representing the State also raises objection in this regard. The practice of the advocate to affirm the affidavit on behalf of the client is highly deprecated by various

Courts. In terms of Appellate Side Rules of the High Court at Calcutta in administering oath and affirmations to declarants the Commissioner shall be guided by the provisions of the Oath Act. On scrutinising the paper considering the submission, it is seen that in the vakalatnama executed by the present petitioner authorisation was given to the learned Advocate on record Mr. Prahladka to affirm the affidavit on his behalf.

9. Since this case pertains to modification of bail bond, this Court is not entering into the maintainability of such affidavit but department is directed to be cautious enough before allowing any such affirmation by an advocate on behalf of the litigant whom he is representing after considering the relevant rules in this regard since an affidavit must be strictly restricted to the facts that the deponent is able to prove which are within his knowledge.
10. All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.
11. Let a copy of this order be sent to the learned Registrar General for appropriate action.

(Chaitali Chatterjee (Das), J.)