

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 2528 of 2025

Basar Sk @ Badal Sk.

Vs.

State of West Bengal

For the petitioner : Mr. Anindya Ghosh

Mr. Pronojit Roy

For the State : Mr. Rudradipta Nandi

Mr. Ezaz Akhter

Heard on : 05.08.2025

Judgment on : 05.08.2025

Jay Sengupta, J.:- This is an application, *inter alia*, challenging the impugned proceedings being N.G.R. no. 324 of 2025 arising out of Mangalkote P.S GDE No. 918 dated 20.5.2025.

Learned counsel appearing on behalf of the petitioner at the very outset submits that his client would not like to press the prayer for quashing, but instead, would pray for modification of the onerous condition imposed in order directing the petitioner to show-cause as to why he would not be ordered to execute a bond with sureties of any Group – A Government

Officer for good behaviour for a period of two years within a period of 15 days. Learned counsel submits that the petitioner is an ordinary citizen and would not be in a position to obtain sureties from such Officer.

Learned counsel appearing for the State submits that *prima facie* case is made out for directing the petitioner to execute such bond.

It is settled position of law that such onerous conditions cannot be put either in orders granting bail or in proceedings requiring execution of bond for good behaviour that cannot be fulfilled by the person from whom such direction is passed. On this reliance is placed on ***Dipu Singh versus State of West Bengal reported in (2020) SCC Online Cal 932*** and ***Kashinath Dey versus State of West Bengal reported in (2022) SCC Online Cal 1634***.

Therefore, the onerous condition imposed by the learned Executive Magistrate or having surety from a Group - A Officer cannot be sustained.

In view of the above, the impugned order is modified to the following extent. The petitioner shall appear before the learned Executive Magistrate on the subsequent dates to be fixed by the learned Magistrate, which will be in a month from the date of communication of this order and submit show-cause as to why he shall not be bound down with good behaviour bond under Section 129 of the BNSS for an amount of Rs.50,000/- each, with local sureties for good behaviour for such period not exceeding two years as the learned Magistrate would deem fit and proper. However, if the petitioner is in custody in connection with any other case he shall only be notionally

released in respect of the instant proceeding, but shall not be physically released and shall be referred to the authorities in respect of the said case.

With the aforesaid observations and directions, the revisional application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)