

11.
27.11.2025
Bd.
Ct. 29

CRR 4813 of 2025
Kushan Nandy

Vs.
The State of West Bengal & Anr.

Mr. Sandipan Ganguly
Mr. Apalak Basu
Mr. Indratanu Das Mahapatra
Ms. Meghna Dhar **... for the petitioner**

Mr. Anirban Dutta
Mr. Arka Ghosh **... for the O.P. No. 2**

Mr. Joydeep Biswas
Mr. Bikram Mitra **... for the State.**

This is an application wherein petitioner being aggrieved by the condition imposed in the bail order dated 24.09.2025 has preferred the instant application.

Being aggrieved by the aforesaid order learned counsel for the petitioner submits that he is a permanent resident of Mumbai and being engaged in the conduct of the business therein, restrictive conditions imposed in the impugned order dated 24.09.2025 are not only excessive and disproportionate but also violate of the petitioner's constitutional rights to earn his livelihood guaranteed under Article 21 of the Constitution of India. Moreover, imposition of such onerous conditions amounts to denial of bail.

Mr. Dutta learned Counsel appearing on behalf of the opposite party No.2 vehemently opposed petitioner's prayer.

Learned counsel appearing on behalf of the State submitted a report placed by Officer-in-Charge Karaya Police Station Kolkata dated 27.11.2025 wherein the concerned officer has stated that the presence of the FIR named accused person before the investigating agency for verification of signature/hand writing on

the sale deed is required to unearth the truth and he further submitted that the petitioner did not appear before the investigating agency to comply with the learned court's order and to comply with the order of the investigating officer and as such his presence is very much required for the process of investigation otherwise entire investigation will be prejudiced.

Having heard learned counsel for the petitioner and both the opposite parties, the condition imposed in the bail order passed by learned Chief Judicial Magistrate, Alipore dated 14.11.2025, is hereby modified to the extent:- "Whenever the investigating officer will be required the presence of the petitioner for the purpose of investigation, interrogation etc they will serve a 48 hours notice to the petitioner. Petitioner will give his address and phone numbers to the concerned investigating officer and will not change the same without informing the concerned investigating officer. In any case, if the petitioner becomes unable to comply with the direction made by the investigating agency for whatever reasons, he will inform the investigating agency well in advance and then thereafter considering the prayer of the petitioner investigating agency will fix next possible date, on which the petitioner will co-operate. However if the petitioner is found to be not co-operating with the investigating agency on consecutive three occasions the instant order regarding relaxation shall stand terminated without any further reference to this court.

The portion of the impugned order dated 24.09.2025 "if on bail, the accused/petitioner shall meet the IO on every Monday, Wednesday and Friday from 6.p.m. to 8 p.m. for the purpose of

investigation for the next two months. The accused/petitioner shall not leave the State of West Bengal for the next two months and shall also make himself liable to the IO for the purpose of investigation” is hereby modified to the above extent.

Report submitted by Officer-in-charge Karaya Police Station, Kolkata, dated 27.11.2025 is taken on record.

CRR 4813 of 2025 is accordingly disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)