

04.09.2025
Court No.04
Item No.12
Nandita

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**CRM (M) 34 of 2025
With
CRAN 1 of 2025**

In Re:-An application for modification/relaxation of condition of bail.

In the matter of: **Makbul Mia @ Miya**

....PETITIONER

Mr. Mayank Bhandari
...for the petitioner

Mr. Aditi Shankar Chakraborty, Id. A.P.P
Mr. Subhasish Misra
....for the State

In Re: CRAN 1 of 2025

1. This is an application filed on behalf of the petitioner seeking for modification/waiving of the conditions of bail order which were imposed by the Co-ordinate Bench of this Court on 11.04.2025.
2. At the time of granting bail to this accused petitioner, the Co-ordinate Bench of this Court imposed conditions to the extent that the petitioner should remain outside the jurisdiction of Mathabhanga Police Station except for the purpose of attending the court proceeding and should appear before the Officer-in-Charge/Inspector-in-Charge of the Police Station under whose jurisdiction this accused petitioner shall be residing while on bail.

3. In pursuance of the direction passed by this Court a status report regarding the status of the trial pending before the Trial Court is handed over by the learned Advocate for the State which indicates that after framing of charge, evidence taking process has already been started. The evidence of CSW 1 has already been completed and the next date is fixed for taking evidence of CSW 2 and 3.
4. It is said by the learned Advocate for the petitioner that he is maintaining his livelihood by pulling e-rickshaw at the surrounding areas of Mathabhanga Sub-Division within the geographical area of Coochbehar District and due to the conditions as imposed by this court, this petitioner has to reside in a rented accommodation which becomes extremely un-affordable for him to maintain the entire expenses pertaining to his poor economic exigency.
5. It is pertinent to note that the process of recording evidence has already commenced before the learned Trial Court. The prosecution has already examined CSW-1/ defacto complainant, and thus the apprehension which originally weighed with the Court at the time of granting bail, regarding possible interference with the course of trial or influence upon the material witnesses, now stands substantially allayed. The bail condition earlier imposed was intended as a safeguard during the stage when the witnesses were yet to depose. The conditions of bail are not to operate in perpetuity irrespective of the progress of trial, but are subject to judicial

reconsideration when circumstances materially change. In the present case, with the commencement of evidence and examination of CSW-1 having been completed, this Court is of the considered view that the conditions imposed at the time of granting bail have lost its necessity and may therefore be waived, without in any manner prejudicing the fair conduct of the trial.

6. Accordingly, the petition filed by this petitioner seeking for modification/waiving of the condition of the bail order dated 11.04.2025 is hereby **allowed**.
7. The conditions as imposed by the Co-ordinate Bench by this Court in the Order dated 11.04.2025 at the time of granting bail to this accused person is hereby waived.
8. Thus, the application being CRAN 1 of 2025 is hereby disposed of.

(PRASENJIT BISWAS, J.)