

11.9.2025
Court No.4
Item No.17
Subadip

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

**CRM (M) 78 of 2025
With
CRAN 1 of 2025**

In Re: An application for modification/ relaxation of condition of bail dated 23.05.2025 under Section 483(1) of the Bharatiya Nagarik Suraksha Santhia, 2023.

In the matter of: **Gobinda Roy**

....Petitioner.

Mr. Satyam Sarkar
... for the petitioner

Mr. Nilay Chakraborty,
Mr. Biswarup Roy.
.. for the State

In re: CRAN 1 of 2025

1. This is an application filed at the behest of the accused petitioner seeking for modification of the condition as mentioned in para 5(c) of the order of bail which was imposed by the co-ordinate Bench of this Court dated 19.05.2025 andby which this accused petitioner was enlarged on bail.
2. It is said by the learned Advocate for the petitioner that the condition which was imposed in para 5 (c) of the orderdated

19.05.2025 to the extent with direction given upon the petitioner to meet the officer incharge of the police station where he will reside once in a week and with a further direction upon him to cooperate in any further investigation. It is said that the investigation process has already been completed. This accused petitioner has sufficiently complied the said condition and until and unless the aforesaid condition is waived/ relaxed, this petitioner cannot regularly perform his work as a contractual work for his earning. So, it is prayed that the condition in paragraph 5 (c) of the order dated 19.05.2025 may be waived.

3. Learned Advocate for the State did not raise any objection regarding the waiving of the condition as imposed by the Co-ordinate Bench of this Court dated 19.05.2025.
4. The Court, as a measure of abundant caution, had thought it fit to impose certain restrictive conditions while enlarging the accused on bail. This condition was essentially intended as protective safeguards to secure the fairness of the trial and to ensure that the sanctity of witness testimony was not compromised. 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. This Court is of the considered view that the condition imposed at the time of granting bail has lost its necessity and may therefore be waived, without in any manner prejudicing the fair conduct of the trial.

5. Accordingly, the condition as imposed by the co-ordinate Bench of this Court dated 19.05.2025 and as mentioned in paragraph 5 (c) of the said order directing upon the petitioner to meet the investigating officer once in a week is hereby waived.
6. Other conditions which have been imposed by the learned coordinate Bench in the order dated 19.05.2025 shall be remained unaltered.
7. Accordingly, the application being CRAN 1 of 2025 is hereby **allowed**.
8. Urgent Photostat Certified Copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)