

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 4588 OF 2026

KAMAL GHOSH
VS.
THE STATE OF WEST BENGAL AND OTHERS

Mr. Prantick Ghosh, Adv.
Mr. Prasad Bhattacharyya, Adv.
...for the Petitioner

Mr. Prokuti Bandhopadhyay, Adv.
Mr. Akash Dutta, Adv.
...for the State

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Anit Dey, Adv.
Mr. Ankan Santra, Adv
...for the Respondent No.4

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and respondent no.4.
3. It is contended on behalf of the petitioner that in spite of waiver of condition of bail imposed by the Hon'ble Division Bench in the order dated 30th November, 2023 passed on an application seeking cancellation of bail being CRM (DB) 2733 of 2022, petitioner is being obstructed by the respondent no.4 in running his business.
4. Prayer is made for direction upon the concerned police authorities as well as respondent no.4 not to disturb the petitioner in running his business.

5. Mr. Ayan Banerjee, learned Senior Advocate representing the respondent no.4 submits that considering the gravity of offence alleged to have been committed by the petitioner while passing order on 30th November, 2023 on the application seeking cancellation of bail being CRM (DB) 2733 of 2022, Hon'ble Division Bench fastened a condition thereby allowing the petitioner to be on bail that petitioner shall not enter the jurisdiction of Khardah Police Station until further orders.
6. It is further submitted on behalf of the respondent no.4 that another application being CRM (DB) 4244 of 2024 seeking cancellation of bail is pending which is preferred by the respondent no.4.
7. Having considered the respective submissions made on behalf of the parties, it appears that the Hon'ble Division Bench on 30th November, 2023 while disposing of application for cancellation of bail being CRM (DB) 2733 of 2022 allowed the petitioner to be on bail subject to the condition that petitioner shall not enter the jurisdiction of Khardah Police Station until further orders.
8. Thereafter, a Co-ordinate Bench *vide* order dated 15th December, 2025 while disposing of one application being CRAN 1 of 2024 in connection with CRM (DB) 2733 of 2022 waived the conditions, which were

imposed *vide* order dated 30th November, 2023, taking note of the fact that charge-sheet was filed at the material point of time and case was committed to the court of sessions and charges were framed. However, it was also clarified that Trial Court may impose conditions for ensuing appearance of the petitioner in day to day proceedings.

9. On conjoint reading of the order of the Hon'ble Division Bench dated 30th November, 2023 and order of the Co-ordinate Bench dated 15th December, 2025, it appears that the condition which was fastened *vide* order dated 30th November, 2023 was waived by the Co-ordinate Bench on 15th December, 2025.
10. It is also submitted on behalf of the respondent no.4 today that respondent no.4 is not standing in the way if petitioner is desirous to run his business but in the same breath, it is also submitted that application being CRM (DB) 4244 of 2024 seeking cancellation of bail is still pending.
11. Subject to the order to be passed on the application seeking cancellation of bail being CRM (DB) 4244 of 2024, petitioner needs to be permitted to run his business in view of waiver of condition by virtue of the order dated 15th December, 2025 passed by the Co-ordinate Bench on CRAN 1 of 2024 in connection with CRM (DB) 2733 of 2022 and police authorities are

directed to take necessary steps if it is required for ensuring a situation where petitioner can run his business.

12. With the aforesaid observations and direction writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)