10.11.2026
Item No. 47
Ct. No. 07
Sws.M/ RUP

CRR 4784 of 2026

In the matter of : **Gopal Das@ Pintu & Ors.** ..... petitioners

Mr. Rajdatta Chattopadhyay
Mr. Kunal Banerjee
Ms. Risha Das
....for the petitioners

Mr. G.K. Das, Ld. APP
Mr. Subrata Mukherjee
Mr. Ranjan Chakraborti
....for the State

1. The present revisional application has been filed challenging that part of the order dated 13th October, 2026 passed by the learned Sessions Judge, Nadia, in Criminal Misc. Case No. 2199 of 2026, whereby the petitioners, while being granted bail, were directed to furnish bail bonds of Rs.30,000/- each, with one Government employee drawing a monthly salary of not less than Rs.30,000/- standing as surety, besides executing personal bonds of Rs.20,000/- each, subject to the conditions stipulated under Section 482(2) of the BNSS and certain other conditions.

2. Mr. Chattopadhyay, learned advocate appearing for the petitioners, submits that the learned Court below misdirected itself in imposing the condition that each of the petitioners must furnish a Government employee drawing a monthly salary of not less than Rs.30,000/- as surety for being released on bail, while passing the order dated 13th October, 2026.

3. Mr. Das, learned Additional Public Prosecutor appearing for the State, fairly submits that the condition so imposed is onerous

4. Having heard the learned Advocates appearing for the respective parties and upon perusal of the materials on record, I am of the view that no useful purpose would be served by keeping the revisional application pending.

5. The order dated 13th October, 2026 indicates that the learned Judge arrived at a conclusion that the petitioners were entitled to the benefit of Section 482 of the BNSS. However, while extending such benefit, the learned Judge imposed a condition that each of the petitioners would have to furnish one Government employee, drawing a gross monthly salary of not less than Rs.30,000/-, as surety. Such a condition, in my view, is onerous. Once a Court arrives at a conclusion that an accused person is entitled to the privilege of bail or pre-arrest bail, the conditions imposed for securing his release must not be so onerous as to render the order granting bail illusory or frustrate the very object of such grant. The Hon'ble Supreme Court, in Moti Ram v. State of Madhya Pradesh, reported in (1978) 4 SCC 47, emphasised that the conditions imposed for release on bail should not be such as to make the exercise of the right to liberty unduly inconvenient or expensive. Subsequently, in Sandeep Jain v. National Capital Territory of Delhi, reported in (2000) 2 SCC 66, the Hon'ble Supreme Court reiterated that conditions for grant of bail cannot be so onerous that their very existence amounts to a refusal of bail. The said principle was reiterated in

Guddan @ Roop Narayan v. State of Rajasthan, reported in 2023 SCC OnLine SC 1242, wherein the Hon'ble Supreme Court observed that excessive conditions, which in their practical application operate as a refusal to grant bail, cannot be sustained.

6. The order dated 13th October, 2026 stands modified to the extent that the condition requiring one of the sureties to be a Government employee drawing a gross monthly salary of not less than Rs.30,000/- is dispensed with. The petitioners shall be at liberty to furnish bail bonds of Rs.30,000/- each with one local surety each, subject to the other conditions imposed by the learned Court below remaining unaltered.

7. This Court is not unmindful of the fact that the time stipulated by the learned Court below for surrendering before the learned ACJM, Kalyani, has expired in the meantime. Accordingly, the time granted to the petitioners to surrender before the learned ACJM, Kalyani, is extended for a further period of 14 days from date.

8. Accordingly, the revisional application stands disposed of.

(Partha Sarathi Chatterjee, J.)