Shankar Chakraborty vs The State Of West Bengal on 4 March, 2019

Author: Subhasis Dasgupta

Bench: Subhasis Dasgupta

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In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR No. 2 of 2019
Shankar Chakraborty
Vs.
The State of West Bengal

Coram : The Hon'ble Justice Subhasis Dasgupta

For the Petitioner : Mr. Sudipto Moitra, Sr. Adv.
Mr. Kaushal Paul.

Judgement On : 04/03/2019.

Subhasis Dasgupta, J. :- This revisional application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure has been preferred for quashing of the proceeding in connection with Raiganj Police Station Case No. 623 of 2018 dated 21/09/2018

under Sections 143/186/353, 427 and 120B of the Indian Penal Code, read with Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 8 (b) of the National Highway Act, corresponding to G.R Case No. 1310 of 2018, now pending before the Court of learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj with an interim order of stay of operation of order dated 20/12/2018 of Criminal Misc. Case No. 1896 of 2018 passed by the learned Sessions Judge, Uttar Dinajpur cancelling the order of bail granted by learned Chief Judicial Magistrate by order dated 27/09/2018.

In response to the direction of this Court, passed earlier, learned Public Prosecutor entered his appearance in this case and contested the case.

The contention raised by learned advocate for the revisionist was that the instant prosecution was an abuse of the process of law, if allowed to be continued for any further period of time, as there was no approach made by the Police Officer to take recourse to provisions contained under Section 41 of the Code of Criminal Procedure by issuing notice upon the revisionist/accused before securing his arrest in terms of settled proposition of law laid down in Arnesh Kumar versus State of Bihar and another reported in (2014) 8 SCC 273, and further that since revisionist/accused was brought under arrest on the strength of a shown arrest, which was not recognised under the provisions of the law, the proceeding must be quashed granting compensation adequately to revisionist/accused, who already suffered insult humiliation, ignominy in the case for not making strict adherence to Section 41 of the Code of Criminal Procedure, and further the order passed by the learned Sessions Judge, Uttar Dinajpur making cancellation of bail of revisionist/accused, already granted by learned Chief Judicial Magistrate earlier was against the principle to be followed necessarily for making cancellation of bail in exceptional cases.

Per contra, learned Public Prosecutor submitted revealing the contention that the prayer for quashing would not be encouraging one in the given set of facts for the prima facie materials having found to exist with reference to the offence complained of, and further that learned Sessions Judge committed no illegality in its order while making cancellation of bail. Thus, according to the State in this case the perversity of the order granting bail by the learned Chief Judicial Magistrate on 27/09/2018, when admittedly on 25/09/2018 the self- same Magistrate rejected the prayer for bail with observation that sufficient materials were there in the case diary justifying detention in custody, and accordingly, remanded to Judicial Custody till 09/10/2018, has been grossly challenged for there being no remarkable changes in circumstances within a very short span of time.

The points to be addressed by the Court requiring decision are whether the instant proceeding should be quashed for the contention submitted hereinabove by the revisionist after setting aside the order of the learned Sessions Judge, cancelling the bail of revisionist/accused or not.

The quashing of instant proceeding was basically sought for on two grounds i.e. for non-adherence to Section 41 of the Cr.P.C before securing arrest of the revisionist/accused, and another for arrest of the accused made in the instant case on the strength of a shown arrest being effected, which was alleged to be not recognised under the provisions of the law. The argument advanced on this score by learned senior advocate, Mr. Sudipto Moitra was that since the accused was brought under arrest on the strength of shown arrest, which was not recognised under the law thereby affecting the very substratum of this case to become titled, the proceeding thereafter, if allowed, to be continued would be sheer exercise of abuse of the process of the Court. Thus, according to revisionist in simplicitor, if substratum of the instant case goes away, the edifice/structure raised thereon would naturally scramble down. In support of such stand, the attention of the Court is drawn to a decision, rendered by Apex Court in the case of Rini Johar and Ors. Versus State of M.P and Ors. reported in (2016) 11 SCC 703, wherein and whereunder for several violations being caused in terms of Section 41 of the Cr.P.C, the Apex Court decided to grant a sum of Rs.5,00,000/- (Five Lakh only) towards

the compensation to writ petitioners involved therein directing the State of M.P to liquidate the amount within three months. In such decision, the Apex Court besides taking notice of other decisions of the Apex Court operative in this case also noticed the decision of Apex Court rendered in the case of Arnesh Kumar versus State of Bihar and another (supra). According to revisionist the punishment for the offence complained of being extended up to seven years, the arrest of the revisionist cannot be secured without issuing a notice in terms of Section 41 of the Code of Criminal Procedure. It was argued with emphasis for the revisionist that a Police Officer before arrest in such case has to satisfy himself that arrest was necessary to prevent such person from committing any further offence; or for proper investigation of the case; or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person for making any inducement, threat or promise to a witness so as to dissuade him from disclosing such facts to the Court or the Police Officer; or unless such accused person is arrested, his presence in the Court whenever required cannot be ensured. Unless such conclusions, based on the facts of a particular case, are reached by the Police Officer before securing arrest, simply effecting an arrest without causing notice under Section 41 of the Code of Criminal Procedure would attract the illegality committed in the instant prosecution rendering substratum of the case to go away.

The attention of the Court is further drawn by learned senior advocate Mr. Moitra to an observation made by the Division Bench of this Court, while granting bail under Section 439 of the Code of Criminal Procedure in a case under NDPS Act, in connection with CRM 7502 of 2018, which may be shown as hereunder:

> "It is submitted on behalf of the petitioners that there is an increasing practice of the police authorities making requests to criminal courts for "showing" the arrest of person without actually producing such person before the relevant court. It must be said that such procedure is not recognised in law and though video conferencing facilities mayu be taken advantage of in this day and age, the concept of "showing arrest' may not otherwise be permissible." Referring such decision, learned senior advocate Mr. Moitra submitted that the concept of shown arrest was unknown in the criminal jurisprudence and as such not recognised under the law, what had been exactly observed in the case referred above.
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> The learned Public Prosecutor submitted that the accused/revisionist had a chequer antecedent by reason of his involvement in a National Political Party and at the time of commission of offence he was District President of such National Political Party, and further that he was admittedly arrested in connection with Islampur Police Station Case and after having found his involvement reasonably, the arrest of the revisionist was secured on the strength of a production warrant to give effect to a shown arrest. The effect of shown arrest was given by issuing a production warrant from learned Chief Judicial Magistrate, Raigang after consideration of the materials available in the case diary revealing his involvement conspicuously.
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> Thus, according to the learned Public Prosecutor, there was no illegality committed to give effect to shown arrest on the strength of a production warrant being issued

earlier, and further that since there was reasonable apprehension of accused fleeing away from the course of justice, the arrest of the revisionist was secured in the instant case for the present set of the facts.

In the citation referred above by the revisionist, there was several violations caused with regard to the procedural part necessarily to be observed for effecting arrest inclusive of several violations as regards adherence to Section 41 Cr.P.C and seizure of the articles, relied upon by the prosecution.

The case in hand is bereft of any supportive documents, suggestive to show alleged several violations in terms of Section 41 Cr.P.C and the seizure if any, made earlier in connection with this case. The investigation is in progress at the moment. In the absence of any cogent materials being found to exist, attributable to the acts of the police officer while effecting arrest without making adherence to Section 41 Cr.P.C, the prayer for quashing is not encouraging one at the moment.

Since the concept of shown arrest is not recognised under the provisions of the law, it was taken into account by the Division Bench of this Court in connection with CRM 7502 of 2018 and granted the accused bail considering other aspects also. When shown arrest was given effect on the strength of production warrant being issued earlier by the learned Magistrate presumably upon due consideration of reasonable materials having found to exist against the revisionist, the illegality, if therebe any, as alleged, cannot be decided without critically appreciating the materials gathered in the CD, and as such, the matter is left open for decision to be arrived at the time of conducting the trial of this case. The prayer for quashing as such, is not entertainable and accordingly, refused.

As regards cancellation of bail learned senior advocate Mr. Moitra contended that unless very cogent and overwhelming circumstances were shown to exist, the order granting bail ought not have been cancelled by the learned Sessions Judge, Uttar Dinajpur.

The attention of the Court was drawn to Para 12 of a decision of Apex Court rendered in the case of State of Orissa versus Mahimananda Mishra, reported in (2019) 1 SCC (Cri) 325 by learned Public Prosecutor in order to establish that certain parameters have to be looked into while granting bail to accused. It would be profitable here to mention relevant text of Paragraph 12, as hereinunder:-

"Though this Court may not ordinarily interfere with the orders of the High Court granting or rejecting bail to the accused, it is open for this Court to set aside the order of the High Court, where it is apparent that the High Court has not exercised its discretion judiciously and in accordance with the basic principles governing the grant of bail. (see the judgment of this Court in Neeru Yadav vs. State of U.P and Prasanta Kumar Sarkar vs. Ashis Chatterjee). It is by now well settled that at the time of

considering an application for bail, the Court must take into account certain factors such as the existence of a prima facie case against the accused, the gravity of the allegations, position and status of the accused, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of tampering with the witnesses and obstructing the courts as well as the criminal antecedents of the accused. It is also well settled that the Court must not go deep into merits of the matter while considering an application for bail. All that needs to be established from the record is the existence of a prima facie case against the accused. [See the judgment of this Court in Anil Kumar Yadav vs. State (NCT) of Delhi."

The parameters to be observed for granting bail are indeed different, while making consideration for cancellation of bail. The proposition of law decided is that while making the consideration of an application for bail, the Court must take into account certain factors such as the existence of the prima facie case of the revisionist/accused, the gravity of the allegation, position of the status of the accused, the likelihood of accused fleeing from justice and repeating the accused, the possibility of tampering with the witnesses and obstructing the courts as well as the criminal antecedent of the accused. The Court is undoubtedly not left with the obligation to go into a detailed study, or go deep into the merits for critical assessment in connection with the prayer for bail. Thus the existence of a prima facie case against the accused, to be gathered from the materials collected by the police in connection with a prayer for bail, has to be looked into in the perspective of gravity of the allegations, position of the status of the accused, the likelihood of accused fleeing any from course of justice and repeating the offence, the possibility of tampering with the witness and as well as the criminal antecedent of the accused.

The grounds ordinarily considered for cancellation of bail may be adumbrated as follows, which are not exhaustive, but illustrative only.

(1) Misuse of liberty by the accused by indulging in similar criminal activity.

(2) Interference with the course of investigation. (3) Attempt to tamper with the evidence of the witness (4) Threatening witnesses or indulging in similar activities, which would hamper smooth investigation.

(5) Likelihood fleeing away of accused to another country. (6) Attempt to make the accused scarce by going underground, or becoming non-available to the investigating agency. (7) Attempt to place himself beyond the reach of his surety etc. Relying on a decision rendered by the Apex Court, reported in AIR (2018) 16 SCC 511 rendered in the case of X (appellant) Vs. State of Telangana and Ors. Learned senior advocate Mr. Moitra submitted with much stress that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. The proposition of law decided in Para 12 of such decision being germane to the present context of the case calls for proper application with certainty and effectiveness for addressing the issue

surfaced at the moment, which may be mentioned as hereinunder:

"12. In a consistent line of precedent this Court has emphasised the distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to the distinction, a Bench of two learned Judges of this Court in Dolatram versus State of Haryana Manu/SC/0547/1995: (1995) 1 SCC 349 observed that:

Rejection of a bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis.

Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of the bail, already grated, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion of attempt to evade the due course of justice or abuse of the concession granted to the Accused in any manner. The satisfaction of the Court, on the basis of material placed on the record of the possibility of the Accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the Trial.

These principles have been reiterated by another two Judge Bench decision in Central Bureau of Investigation, Hyderbad v. Subramani Gopalakrishnan Manu/SC/0518/2011 : (2011) 5 SCC 296 and more recently in Dataram Singh v. State of Uttar Pradesh MANU/SC/0085/2018 SCALE 285:

It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very congent and overwhelming circumstances are necessary for an order directing the cancellation of bail already grated.

Generally speaking, the grounds for cancellation of bail are, interface or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concessions granted to the Accused in any manner.

These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the Accused absconding is another reason justifying the cancellation of bail. In other words, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstance have rendered it no longer conducive to a fair trial to allow

the Accused to retain his freedom by enjoying the concession of bail during the trial."

Reliance was also placed by Mr. Moitra, learned Senior Advocate on a decision delivered by the Division Bench of this Court in connection with CRM 8191 and 12484 of 2013 in the case of Raju versus Tobrej and Ors. Reported in 2016(1) CHN (CAL)474, 2016(1) CLJ (CAL) 123 in order to establish that the order granting bail could not be doubted for an error in decision and error in decision could not be treated as perverse. In the case referred above, four accused persons prayed for anticipatory bail, which was granted by the learned District Judge, Howrah. The same was challenged before the High Court and the application for cancellation of bail was allowed, and accordingly anticipatory bail granted earlier by the learned District Judge, Howrah was cancelled subsequently. Those accused persons surrendered thereafter and prayed for regular bail before learned Sessions Judge, Howrah and the learned Sessions Judge, Howrah granted regular bail to accused persons. The said order of the learned Sessions Judge granting bail was again challenged by filing a prayer for cancellation of the bail before the High Court. The remaining accused persons in the self-same case surrendered before the Court of the Magistrate concerned and prayed for bail. The said prayer was ultimately rejected by the learned Sessions Judge, Howrah on 29/07/2013. The accused persons again prayed for bail and the same was heard by same learned Sessions Judge, Howrah on 08/08/2013 and accordingly granted bail to remaining eight accused persons. The de facto complainant felt aggrieved and challenged the order granting bail with a prayer for cancellation before the High Court. What was contended in the case referred above, is that learned Sessions Judge, Howrah rejected the prayer for bail on 29/07/2013 on the ground of adequate materials having found exist against the accused persons, but within a very short period thereafter that is on 08/08/2013, the same Sessions Judge granted bail to the accused persons without their being remarkable change of facts or any situation meaning thereby the order granting bail to accused persons by the learned Sessions Judge suffered from perversity and illegality. The Division Bench of this Court held in that context that error in decision, while granting bail could not be termed as perverse.

It is evident from the order dated 25/09/2018 of the learned Chief Judicial Magistrate, Raiganj that some supporters of a National Political Party, led by the revisionist blocked National Highway within Raiganj Police Station and exhibited Hooliganism breaking the windshields of the buses on road causing disruption to the traffic flow. Police receiving the information of hooliganism and road blocked on National highway rushed to the spot, when the miscreants became violent and attacked the police force even causing damage to government buses. The revisionist is a District President of a National political party, who was brought arrested on the strength of a shown arrest. The learned Assistant Public Prosecutor raised objection on 25/09/2018, when the prayer for bail was rejected remanding the accused to Judicial Custody. Upon consideration of the uneasiness of the revisionist accused in the Correctional Home, which was brought to the attention of the Court by learned

defence counsel for defence after the prayer for bail was rejected, the learned Magistrate addressed the situation asking Superintendent of Correctional Home, Raiganj to secure medical attention to revisionist/accused in Correctional Home, if necessity arises. One day after the next date of rejection of bail i.e. on 27/09/2018, learned Magistrate granted interim bail to accused putting some conditions on medical ground for some medical documents/papers having produced before him requiring his attention, what made the learned Magistrate to believe that revisionist/accused was a patient of heart disease since long requiring immediate better treatment for his illness. The authenticity of the medical documents produced before the learned magistrate Court could not be challenged by learned APP, while opposing the prayer for bail. No prayer even was made for a short adjournment proposing for a report to reach from the doctor attached with Correctional Home at Raiganj to ascertain the seriousness and extent of illness, said to be suffered by revisionist/accused.

Though, learned Chief Judicial Magistrate, Uttar Dinajpur rejected the prayer for bail on 25/09/2018, but within a very short period i.e. on 27/09/2018 granted bail to revisionist/accused on medical ground perceptively requiring immediate better medical attention of accused for his suffering from cardiac ailments since long, upon consideration of some supportive medical documents being produced before the learned Magistrate Court, and therefore bail was not granted merely by asking without any cogent materials, as suggested learned Public Prosecutor in this case. The subjective or objective assessment of medical documents produced may be a question of fact, but for determination of which, a prayer ought to have been made. In exercise of his discretion learned Magistrate could have opted declining to exercise his discretion to grant him interim bail on 27/09/2018 keeping in mind the rejection of bail prayer of accused on 25/09/2018 for the prima facie materials having found to exist against him, without getting medical documents verified from competent authority, and without subjecting the revisionist to a medical examination but the same cannot be regarded to be a shocking and suffered from perversity in the absence of any specific prayer from State undertaking the prosecution to challenge the authenticity of the medical documents, furnished before the Court at the time of consideration of bail prayer. It may be an outcome of error in the decision reached by the learned Chief Judicial Magistrate, while granting interim bail to revisionist/accused, but can hardly be considered to be suffered from perversity. The decision referred by learned senior advocate, delivered by the Division Bench of this Court in the case of Raju (supra) holds field in the given set of facts.

The prayer for cancellation of bail under Section 439(2) was made before the learned District and Session Judge, Uttar Dinajpur, Raiganj on 01/10/2018 alleging principally that no new ground was found to exist on 27/09/2018, when the bail was granted even after rejection of the same on 25/09/2018 upon due consideration of the ailment of the accused, which was even taken care of by the learned Magistrate by directing the correctional home to make proper arrangement for medical treatment.

Argument was focused on behalf of the State/opposite party criticising the order of learned Magistrate granting bail that without their being any remarkable change of facts or any situation within a short period of time, what was adequately taken care of including the medical grounds of the revisionist/accused the day, when the prayer for bail was rejected on 25/09/2018, it was itself sufficient to reveal perversity in the order requiring immediate interference and that was adequately attended to by the learned Sessions Judge, Uttar Dinajpur by making cancellation of bail granted. In the order impugned, learned Judge observed that the prayer for cancellation of bail was not sought for on the ground of the misconduct on the part of the opposite party/accused or any new adverse fact having surfaced after grant of bail. The post conduct of the accused after the bail was granted thus remained unchallenged. It is not a case at all that learned Magistrate took into account irrelevant materials having no relevance to the question of granting of bail ignoring the relevant materials. The proposition of law laid down in Para 12 of Puran Vs. Ramvilas reported in AIR 2001 SC 2023 in connection with Section 439(2), Cr. P.C., is that the approach should be whether the order granting bail was vitiated by any serious infirmity, for which it was right and proper for the High Court in the interest of justice to interfere. Such proposition was taken care of in the decision, rendered by Co- ordinate Bench of this Court, while rejecting the cancellation of bail, reported in (2014) SCC Online Cal 11185: (2014) 3 Cal LJ 68.

The order impugned goes to show that the prayer for bail was granted without perusal of the case diary on 27/09/2018. The order granting bail on 27/09/20158 was on consideration of illness ratified by the documents produced by the defence, but without consideration of the C.D. For non-consideration of the C.D. at the time, the bail was granted merely on medical grounds, the same was alleged to have attracted to the illegality and accordingly contended to be perverse in law. The learned Sessions Judge Uttar Dinajpur, Raiganj observed that without assessing nature of sickness and whether the medical treatment sought to be attended to, could not be given in Government Hospital during the detention of the custody, remained unassessed, and as a result of which unilaterally proceeded to hold that the accused was suffering from heart disease, requiring immediate better medical attention on the basis of some medical documents furnished by the defence, which should not have been taken into account and, as such, it was contrary to law. The learned Sessions Judge was further of the view that upon consideration of the ill-health, the learned Magistrate by his order dated 25/09/2018 directed superintendent of correctional home to give medical attention in case of necessity after rejecting the prayer for bail. Thus, the ailments of the revisionist/accused was not a new set of facts focused on 27/09/2018 with some supporting documents, what was already considered, when the Court rejected the prayer for bail on 25/09/2018.

As has already discussed earlier, the Court at time of rejection of bail of accused/revisionist never considered any medical papers in support of illness of accused, but simply directed superintendent of correctional home, Raiganj to secure

medical attention of the revisionist/accused in case of necessity upon consideration of the submission raised by defence demonstrating uneasiness of the accused only meaning thereby the extent of illness together with the ailments, if any, of the accused remained unfolded at the time of rejection of the prayer for bail on 25/09/2018. The direction asking upon superintendent of correctional home to secure medical attention in the given set of facts appears to have been made by way of abundant precaution. It was on 27/09/2018 when for the first time, the extent of illness and the ailments of the accused was disclosed for the first time by the defence with some supporting documents, from which learned Magistrate reached to a finding that the revisionist/accused had been suffering from cardiac ailments requiring immediate better medical attention upon exercise of his discretion. The superior Court normally would not interfere with the discretion exercised by the court below, if the same is exercised reasonably, rationally and judiciously, without being acted by any whims and also not in a capricious manner. Though the Magistrate could have exercised his option in a manner otherwise than already exercised, but the same would neither attract the perversity in the order, nor any infirmity exposed in the order itself, while granting bail. It was definitely an error or irregularity in the decision reached by the learned Magistrate, which is discouraged, but the same cannot be construed to be a perverse one merely because of non-consideration of materials gathered, if any, in the C.D on 27/09/2018. The crucial fact to be kept in mind is that the incriminatory materials so far collected were produced before the learned Chief Judicial Magistrate on 25/09/2018, when the prayer for bail was rejected and the interim bail was granted on 27/09/2018 leaving a very short span to intervene in the meantime for new materials to come up before the Court. In order to describe an order to have suffered for illegality or perversity, or granted in consequence of improper exercise of discretion, something more within the meaning of overwhelming exceptional circumstances other than shown, has to be established, without which it does not sound much. The prime consideration while making cancellation of bail is that bail once granted should not be cancelled without considering whether any supervening circumstances have rendered it no longer conducive to fair trial to allow the accused retain his freedom by enjoying concession of bail during the trial. The interim bail granted on 27/09/2018 putting some conditions suffered several modifications i.e. on 29/09/2018, 04/10/2018 and ultimately the condition imposed was waived on 09/10/2018. In Course of lifting the condition of bail i.e. on 09/10/2018, it is not even ascertainable, if the pending prayer for cancellation before the learned Sessions Judge was brought to the notice of the learned Magistrate or not. Since bail is the rule, while pre-trial detention is exception, and it should never be resorted to as a pre-punitive measure, and pre-trial detention in custody curtailing the individual liberty having been discouraged by several decisions of the Apex Court, the cancellation of bail has to be considered in exceptional circumstances in context with proposition of law, decided already.

There is nothing left in the order impugned that for intervention of any supervening circumstances, rendered the situation for the Court to believe that it was no longer

conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. In the result, the Court finds sufficient reasons to interfere with the order impugned making cancellation of the bail, already granted by the learned Magistrate.

In view of the above findings, the impugned order dated 20/12/2018 passed by the learned District Judge, Uttar Dinajpur in Criminal Misc. Case No. 1896 of 2018 cancelling the bail of the petitioner granted by the learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj on 27/09/2018 in connection with G.R Case No. 1310 of 2018 arising out of Raiganj Police Case No. 623 of 2018 dated 21/09/2018 is set aside.

The revisionist/accused is permitted to remain on bail as already granted by the learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj in connection with G.R Case No. 1310 of 2018 with modifications as follows:

(1) The revisionist/accused will meet the Investigating Officer in this case once in a week for one month and thereafter once in a fortnight, and also when demanded by the Investigating Officer for the sake of investigation.

(2) The revisionist/accused will not leave the territorial jurisdiction of the District of Uttar Dinajpur without previous permission of the Investigating Officer till the completion of the investigation.

Accordingly, the revisional application is disposed of. Urgent photostat certified copy of this order be given to the parties, if applied for, as expeditiously as possible upon compliance with necessary formalities.

The department is directed to send a copy of this order to the learned Court below for necessary action.

(Subhasis Dasgupta, J.)