

S.T. NO. 02 (07) OF 2022  
SESSIONS CASE NO 12 OF 2020  
CNR-WBCS01-000290-2020  
Present: Sri Soumendra Nath Das  
Chief Judge, City Sessions Court, Calcutta  
J.O. CODE NO.WB01132

Order no. 78 dated 23.06.2023

To-day is fixed for further hearing of the petition dt. 21.06.2023 filed on behalf of the accused nos. (A-8), (A-14), (A-15) and (A-20) for allowing them to go to their respective house to celebrate religious occasion.

Accused person nos. (A-8), (A-14), (A-15) and (A-20) on Court bail are present in Court from J.C.

Ld. Advocate of the accused person is present by filing.

Ld. P. P.s are also present.

At this stage, petition dt. 21.06.2023 which was filed on behalf of the accused persons namely, **Abdul Majed (A-8), Abdul Matin (A-14), Manirul Islam (A-15) and Sk. Rejaul @ Kiran @ Rutu (A-20)** for allowing them to go to their respective houses to celebrate religious festival is taken up for hearing in presence of both sides.

Ld. Defence Counsel appearing on behalf of the accused persons submitted that on the auspicious occasion of Eid-ul-Adha the abovenamed accused persons intend to go to their native place to celebrate the festival with their family members from 28.06.2023 to 01.07.2023 which is celebrated only once in a year.

Ld. Defence Counsel appearing on behalf of the accused persons further submitted that if Ld. Court allowed the petition, there will not be any waiving or modifying any condition as laid down by the Hon'ble Court as because it is the fundamental right of any person to celebrate the Eid-ul-Adha festival with their family members at their native place.

Ld. Defence Counsel appearing on behalf of the accused persons further submitted that the petition is nothing but an intimation of permission from this Ld. Court.

Ld. Defence Counsel appearing on behalf of the accused persons further submitted citing the judgement passed by Hon'ble Justice Bibek Chaudhuri in **CRR no. 1272 of 2023** on 05.04.2023 that *"There cannot be a reason that a person is refused to offer prayer at a holy place of their religion because he once performed Umra Haj in the year 2018. If this ground*

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*is accepted, as a logical corollary it would mean that a person of any religion cannot offer his prayer or puja if it is once performed by him.”*

On the other hand, Ld. Special P.P vehemently objected and submitted that this case is totally different and there was a stay order.

Ld. Special P.P further submitted that all the abovenamed accused persons were enlarged on bail by the order of Hon'ble High Court, Calcutta wherein one of the conditions was they can not leave the jurisdiction of Kolkata Municipal Corporation.

Heard both sides.

Perused the record and the petition dt. 21.06.2023 filed by the Ld. Defence Counsel appearing on behalf of the accused persons namely, Abdul Majed (A-8), Abdul Matin (A-14), Manirul Islam (A-15) and Sk. Rejaul @ Kiran @ Rutu (A-20) for allowing them to go to their native places to celebrate the religious occasion of Eid-ul-Adha.

It appears from the above submissions of both sides and on perusal of the impugned order of bail, I find that the rights of the accused to travel outside the Municipal limits of the city of Calcutta has been curtailed by the Hon'ble Court and thus, I find no merit in the instant application. Hence, the same is rejected.

Todate i.e. **06.07.2023** for evidence of CSW-4.

The accused person nos. (A-8), (A-14), (A-15) and (A-20) are as before.

Let a copy of this order be sent to Ld. Special P.P for informaton.

D/C by me

Sd/-

Chief Judge  
City Sessions Court  
Calcutta

Sd/-

Chief Judge  
City Sessions Court  
Calcutta