

Presided over by: Sarajit Mazumder  
J.O Code No: WB00646  
**CNR No: WBSP01-015553-2021**  
**Special Case No: 50 of 2021**

**Order No. 23, dated: 21-09-2024.**

Today is fixed for further hearing and order.

The sole accused person Atrayee Mukherjee on A/I bail is personally present before court and on her behalf hazira is filed.

One petition is filed on behalf of the accused for rejecting the petition for cancellation of bail application. Another petition is filed for permission to get her passport renewed.

Defacto complainant is represented by his learned advocate.

Learned advocate for the accused as well as de facto complainant submit that the application for cancellation of bail dated 29.01.2024 should be heard and disposed of.

The application for cancellation of bail dated 29.01.2024 is taken up for hearing.

Heard learned advocate for the de facto complainant who submits for cancellation of bail on the ground that this court granted bail on condition that the accused shall not leave the jurisdiction of the court without prior permission. But this accused in utter violation of the order commuted at least 237 days to IIT Kharagpur traveling a distance of 132 KM. He further submits that accused cannot claim having no knowledge or no intention latches in violating the condition of bail as it was supposed to be mentioned in her surrender slip.

He also points out that from the reply to the Right to Information Act, 2006 it would be clear that IIT Kharagpur is a residential Institution and during tenure of pursuing courses to academic session student / scholar is to stay thereat. They are entitled to leave the IIT Kharagpur premises for total period of 30 days including casual leave of 15 days. According to him as per the admission of accused herself she violated the condition of bail for total of 460 days. He also submits that regular Presiding Officer was transferred and as such the accused could not take permission for leaving the jurisdiction is nothing but blatant lie. He further contends that all these violates condition of bail admitted by the accused by filing application dated 30.11.2023 for modification of condition of bail. Accordingly, the order of bail should be canceled.

Learned advocate for the accused person raises objection on the ground that the accused is a scholar but ignorant about legal term and she could not understand the condition of not to leave the jurisdiction of this court. He further submits that most probably the learned advocate who previously representing this accused could not make her understand about the condition imposed by the court. According to him this is nothing inadvertent mistake.

Perused the case record. Considered.

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It is hard to believe that a scholar could not understand the condition of bail such as not to leave the jurisdiction of this court. But at the same time we should not be oblivious of the fact that this accused voluntarily surrendered before court. The dispute cropped up over the issue of posting of messages in Facebook which alleged to be abusive and humiliating to the de facto complainant being a member of Scheduled Caste Community. It seems to me for violating the condition of bail not to leave jurisdiction of this court merit of this case is no way impaired. Considering the nature of alleged offence it seems to me that there is no chance of tampering evidence. It is evident from order no.16 dated 29.01.2024 that the condition of bail not to leave the jurisdiction of this court has already been modified to the extent that the accused person shall not leave the jurisdiction of the State of West Bengal without permission of this court. Accused being a student and the discussion made above I am of the humble view that there is no need to cancel the order of bail at this stage. Accordingly the application dated 29.01.2024 filed on behalf of the de facto complainant for cancellation of bail and other relief stands refused on contest without cost. Diary is congested.

Fix 13.02.2025 for consideration of charge.

Accused person is directed to stay present on the date fixed positively.

Typed to the dictation directly;  
corrected on the system.

Sd/-Sarajit Mazumder  
Additional District and Sessions Judge,  
01<sup>st</sup> Court, Alipore, South 24 parganas.

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