

SPL PA 03 of 2026
CNR No. WBUD01-00-1128-2026
State Versus Achinta Tarafdar & 2 others
Raiganj PS Case No. 384 of 2026 dated 16.04.2026

Order no. 07
16.07.2026

1. The record is put up on an application filed on behalf of the accused/petitioner, Achinta Trafdar, accompanied by a supplementary petition seeking temporary relaxation of one of the conditions imposed while enlarging him on bail.
2. Learned Advocate appearing for the accused/petitioner is present.
3. Learned Public Prosecutor-in-Charge is also present.
4. Learned Advocate for the accused/petitioner submits that his client is required to visit the Christian Medical College, Vellore, for specialized medical treatment and that an appointment has been scheduled there on 23.07.2026.
5. It is further submitted that for the purpose of undergoing the aforesaid treatment and allied medical procedures, the accused/petitioner would be required to remain outside the territorial jurisdiction of Raiganj Police Station for approximately one month.
6. Learned Advocate for the accused/petitioner has invited the attention of this Court to the order passed while granting *pre-arrest bail*, whereby the accused/petitioner was directed not to leave the jurisdiction of Raiganj Police Station, save and except for attending any judicial proceeding, without prior leave of this Court, until submission of the police report in final form.
7. In support of the aforesaid prayer, photocopies of certain medical documents and appointment record have been filed and taken on record.
8. It is true that the condition sought to be relaxed was not imposed in the present case *per se*, but was incorporated in the order passed in the connected Criminal Miscellaneous Case.
9. Be that as it may, the said Criminal Miscellaneous Case was heard and disposed of by this Court, being the Special Court constituted under the relevant special statute, and the accused/petitioner was subsequently released on bail in the present case, upon furnishing requisite bonds, on the strength of the order granting pre-arrest bail dated 06.06.2026. The condition, therefore, continues to govern the liberty presently enjoyed by the accused/petitioner and cannot be viewed in isolation from the proceedings before this Court.
10. It must be remembered that the majesty of the judicial institution does not stem from any authority to perpetuate injustice upon technical considerations, but from its solemn obligation to remedy injustice whenever circumstances so demand. As eloquently observed by the Hon'ble Supreme Court in State of Haryana Versus Chandra Mani & Ors.¹, the judicial process exists to advance the cause of justice and not to obstruct it through rigid formalism.
11. Drawing guidance from the aforesaid salutary principle, this Court deems it appropriate to entertain the present application notwithstanding the technical contours surrounding the original order.
12. Learned Public Prosecutor-in-Charge, upon consideration of the nature of the prayer and the supporting documents, raises no objection.
13. The record reveals that this Court, functioning as the Special Court under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, granted *pre-arrest bail* in favour of the accused/petitioner and others by order dated 06.06.2026 passed in Criminal Miscellaneous Case Nos. 687 and 776 of 2026.
14. It scarcely requires reiteration that no provision of law can compel an individual to seek medical treatment only at a particular place or from a particular institution. The choice of medical care remains an intrinsic facet of personal liberty and human dignity.
15. More importantly, medical treatment is not merely a matter of convenience; it is intimately connected with the preservation of life and well-being. The law recognizes a profound distinction between the mere continuation of existence and the meaningful enjoyment of life in a state of reasonable health.
16. A judicial condition, however well-intentioned, ought not to become an impediment to bona fide medical care unless compelling reasons dictate otherwise.

¹ AIR 1996 SC 1623

17. Having heard the learned advocates for the parties, perused the materials placed on record, and considering the absence of objection from the prosecution, this Court finds the prayer to be reasonable and deserving of acceptance.

18. Accordingly, the application stands allowed in the following terms:

A. The condition stipulated in paragraph 37(b) of the order dated 06.06.2026 passed in Criminal Miscellaneous Case No. 687 of 2026 (common order with Criminal Miscellaneous Case No. 776 of 2026) is hereby temporarily suspended in respect of the accused/petitioner until 16.08.2026.

B. The aforesaid condition shall automatically revive with full force and vigour on and from 17.08.2026 and shall continue to operate until submission of the police report in final form, as originally directed.

C. The condition stipulated in paragraph 37(c) of the said order shall remain unaltered and operative throughout.

19. Let a copy of this order be transmitted forthwith to the Investigating Officer for information.

Dictd. & Cortd.

Judge, Spl. Court
1st Court, Raiganj, U/Dinajpur.

Judge, Spl. Court
1st Court, Raiganj, U/Dinajpur.