

18.06.2026

Serial no. 36

[Srimanta]

Ct. No. - 29

CRR 1581 of 2026

In re : An Application under Sections 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : DEBABRATA GHOSH

... .. Petitioner

*Mr. T. K. Bhattacharya,
Ms. Tithi Paul,
Ms. Shilpi Paul, Advocates*

... .. *For the Petitioner.*

1. Petitioner herein is aggrieved with the order dated 5th February, 2025 by which the Court below has rejected the petitioner's prayer for waiving a condition from the bail order. It is submitted on behalf of the petitioner that the petitioner along with other accused persons were granted bail by an order dated 05.08.2024 in a proceeding being Special Case No. 5/2024 under SC and ST Act, inter alia, on condition that the accused persons including the petitioner shall not enter into the house of the complainant until further order. Said order was assailed before this Court in CRR/3653/2024 and by an order dated 2nd January, 2026, this Court gave liberty to the petitioner to make a prayer before the Court below for modification of the aforesaid condition imposed in the bail order and in the

event of filing such application, further liberty was given to the Court below to dispose of the prayer in accordance with law. Thereafter, in compliance of the order of the High Court the petitioner made a prayer before the Trial Court contending that the petitioner is also owner of the house and his valuable documents are lying in the said house and the petitioner is not in a position even to face interview Board and other examinations for not having the original testimonials which are lying in the said house.

2. However, learned Court below rejected the petitioner's aforesaid prayer by the impugned order dated 5th February, 2026.
3. It appears from the impugned order that learned Public Prosecutor while making his submission contended that since the petition submitted under Section 173(8) of the Code of Criminal Procedure is pending, prosecution has got no objection if the condition imposed in the bail order is modified. However, the Court below refused to waive the condition on the ground that the petitioner accused has approached before the Hon'ble High Court against refusal of issuance of search warrant of learned Executive Court at Kalyani and due to pendency of the said application and also taking into account the pendency of the petition dated 19.12.2024 submitted under Section 173(8) of the Code of

Criminal Procedure by the de facto complainant, he refused to interfere with the order.

4. Being aggrieved by the aforesaid order, learned Counsel for the petitioner submits that the order impugned is palpably wrong and it has been passed on an erroneous belief that since a proceeding preferred by the petitioner is pending before the High Court, he has no authority to interfere with the said order. He further failed to consider that the petitioner has 50 per cent share in the said property and, therefore, he prayed for setting aside the order impugned.
5. Having heard learned Counsel for the petitioner, the application stands admitted.
6. Petitioner is directed to serve a copy of application upon the opposite party no. 1 through the office of Public Prosecutor, High Court, Calcutta and upon the opposite party no. 2 through speed post intimating next date of hearing and to file affidavit-of-service on the returnable date.
7. Let the matter be listed in the Combined Monthly List of August, 2026.
8. Petitioner has also prayed for interim relief.
9. Having heard learned Counsel for the petitioner, it appears that the petitioner has made out an arguable case which requires adjudication on merit and as such the impugned

order dated 5.2.2026 passed in Special Case No. 5/2024 by the Judge, Special Court SC and ST Act Nadia at Krishnagar is hereby stayed for a period of 12 weeks or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)