

ITEM NO.1 Court 12 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No(s).1642/2019

ANIL MAJHI & ORS.

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

(ONLY I.A.NO. 106331/2020 IN CRL.A. NO.1643 of 2019 IS LISTED ON  
25.06.2021 )

WITH

Cr1.A. No. 1643/2019 (II-B)

FOR CLARIFICATION/DIRECTION ON IA 106331/2020

Date : 25-06-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Appellant(s) Mr. Mangaljit Mukherjee, Adv.  
Ms. Debarpita Basu Mukherjee, Adv.  
Mr. Chand Qureshi, AOR  
Mr. Rajat Baijal, Adv.  
Mrs. Sarla Chandra, AOR

For Respondent(s) Mr. Suhaan Mukerji, Adv.  
Mr. Vishal Prasad, Adv.  
Mr. Nikhil Parikshith, Adv.  
Mr. Sayandeep Pahari, Adv.  
M/S. PLR Chambers And Co., AOR

UPON hearing the counsel the Court made the following  
O R D E R

I.A.No.106331/2020 IN CRL.A. No.1643 of 2019

The appellant/applicant has been convicted and  
awarded life imprisonment by the Trial Court. His appeal

is pending before this Court. He has already been in jail for more than 10 years when on 07.02.2020 bail was granted by this Court with the following order:

"Prayer for Interim Relief/Bail in CrI.A. No.1643/2019

Heard counsel for the parties. Considering the fact that the appellant(Motiar Rahaman Dewan) is in custody for more than ten years in reference to the conviction, which is the subject matter of challenge in this appeal, and there is no adverse information about his conduct in jail, coupled with the fact that the co-accused have already been released on bail, we accede to the prayer for grant of bail.

We, accordingly, direct that during the pendency of this appeal, the appellant (Motiar Rahaman Dewan) be released on bail in connection with S.T. No.11/2008/Sessions Case No.102/2008 arising out F.I.R. No.140 of 2006 dated 21.12.2006, P.S. Haripal, District Hooghly, on such terms and conditions as may be determined by the trial Court, including that the appellant shall not enter District Hooghly, West Bengal without prior permission of this Court and the appellant shall also intimate his place of stay after release on bail and report to the local police station where he would ordinarily reside once in a month on First Monday of every English Calendar month."

The appellant/applicant has approached this Court because of the condition imposed by this Court that the appellant/applicant shall not enter the District Hooghly,

West Bengal without permission of this Court. The learned counsel for the appellant/applicant submits that appellant/applicant is 75 years of age and his wife resides in the District Hoogly which is his native place. He desires to visit his native place for such period as may be allowed by this Court.

Time was granted to the respondent/State to file a reply to the instant application and the learned counsel for the respondent/State has opposed the prayer made in this application.

Having heard learned counsel for the parties and considering the fact that no incident of misconduct by the appellant/applicant has been reported during the period he has been on bail for more than 16 months, we direct that the appellant/applicant shall be permitted to visit his native place in the district Hoogly, West Bengal for a period of two weeks on the following conditions:

1. The appellant/applicant, prior to leaving for his native place in the District Hoogly, West Bengal, will report the date and mode of his departure to the local Police Station where he is now residing and also give the address where he is to stay in the District Hoogly, West Bengal.

2. On reaching District Hoogly, he shall, within twenty four hours, report to the local police station and mark his attendance and also inform the local police station the place of his stay.

3. The appellant/applicant shall leave District Hoogly, West Bengal within a period of two weeks from his arrival in the District and also intimate the local police station of the date of his departure and mode of transport.

4. The appellant/applicant, on reaching the present place of his residence (which the appellant/applicant states is Chandigarh) shall, within 24 hours, report to the local police station.

5. He shall continue to abide by other conditions as imposed by this Court vide order dated 07.02.2020.

With the aforesaid observations and directions, the interlocutory application for clarification/direction stands disposed of.

(ASHWANI KUMAR)  
AR-cum-PS

(ANAND PRAKASH)  
COURT MASTER