

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

Miscellaneous Application No(s). 56/2020

IN

CRIMINAL APPEAL No. 310/2012

SUSANTA GHOSH

Applicant(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

O R D E R

Heard learned counsel for the parties.

This is an application seeking relaxation of the condition imposed by this Court by order dated 03.02.2012 in Criminal Appeal No. 310 of 2012.

This Court by order dated 03.02.2012 allowed the appeal and directed the applicant to be released on bail to the satisfaction of the Trial Court. The Trial Court was to impose such conditions as may be necessary to secure the appellant's presence during the trial. In addition to the above, except for Garhbeta, which is his Assembly Constituency, the appellant was not to enter other areas of Paschim Medinipur District, West Bengal without the permission of the Trial Court. Para 18 of the order reads as follows:

"We, therefore, allow the appeal and direct that the appellant be released on bail to the satisfaction of the trial court. The trial court may impose such conditions as may be necessary to secure the appellant's presence during the trial. In addition to the above, except for Garhbeta, which is his Assembly Constituency, the appellant shall not enter other areas of Paschim Medinipur District, West Bengal,

without the permission of the trial court and shall report to the local police station where he will be residing, once on the last Sunday of each month, between 11.00 am and 1.00 pm. The appellant shall make himself available before the trial court at all stages of the trial, unless for any special reason he is exempted from doing so by the trial court on any particular reason."

On 15.01.2020, this Court issued notice in this application.

Mr. A.N.S. Nadkarni, learned senior counsel appearing for the applicant submits that charge sheet has been filed where 113 witnesses have been cited and neither charges have been framed nor trial has begun.

Mr. R. Basant, learned senior counsel appearing for the respondent submits that the date (26.11.2020) is fixed for hearing of charges.

The case of the applicant is that his mother is 82 years of age and his wife is suffering from cancer. Apart from these two ladies, there is no other member in the family to look after. The applicant is now residing 160 kms away and is surviving on meager pension and he is no longer the member of the Legislative Assembly.

Learned senior counsel for the petitioner further submits that the order of this Court was passed on 03.02.2012 and more than 8 years have elapsed, neither trial has begun nor charges have been framed and in view of the subsequent events, specially, the age of mother and the serious illness of wife, the applicant is required to take care of his old mother and ailing wife at his house and the condition that he shall not enter the areas of Paschim Medinipur District, West Bengal without permission of the Trial Court be

deleted.

Mr. R. Basant, learned senior counsel for the respondent submits that the trial is to be completed shortly within a period of one year. He further submits that in any event if the applicant is permitted to enter Paschim Medinipur, he has to be confined in the house and in no event shall try to influence the witnesses or in any manner interfere with the trial.

Considering the facts of the case that he is required to reside in his house to look after his old mother and ailing wife, we are of the view that the condition imposed by this Court on 03.02.2012 that he shall not enter into the areas of Paschim Medinipur District, West Bengal deserves to be deleted and it is ordered accordingly.

We, however, make it clear that the applicant shall confine himself to the house and shall only go out of the house only to meet the requirements of medical needs of her ailing wife and old mother and for essential domestic needs. In event, he tries to influence the witnesses or intimidate them, it shall be open for the prosecution to make an application for cancellation of bail.

The miscellaneous application stands disposed of.

Pending application, if any, stands disposed of.

.....J.  
[ASHOK BHUSHAN]

.....J.  
[R. SUBHASH REDDY]

NEW DELHI;  
November 16, 2020.

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

Miscellaneous Application No(s). 56/2020 in CrI.A. No. 310/2012

SUSANTA GHOSH

Applicant(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

( IA No. 187268/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 16-11-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. A.N.S. Nadkarni, Sr. Adv.  
Ms. Suruchi Suri, Adv.  
Mr. Abhishek Singh, AOR

For Respondent(s)

Mr. R. Basant, Sr. Adv.  
Mr. Suhaan Mukerji, Adv.  
Ms. Liz Mathew, Adv.  
Mr. Vishal Prasad, Adv.  
Mr. Nikhil Parikshith, Adv.  
Mr. Vishnu Pazhanganat, Adv.  
For M/S. PLR Chambers And Co.

UPON hearing the counsel the Court made the following

O R D E R

The miscellaneous application stands disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)  
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)  
COURT MASTER

[Signed order is placed on the file]