

**S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S**

**Petition(s) for Special Leave to Appeal (Crl.) No(s). 4899/2019**

**(Arising out of impugned final judgment and order dated 10-05-2019 passed by the Chief Metropolitan Magistrate, Calcutta in CN No. L2/DD/30/2019 )**

**WASIM AHMED**

**Petitioner(s)**

**VERSUS**

**THE STATE OF WEST BENGAL**

**Respondent(s)**

**(FOR I.R. and IA No.82733/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**Date : 20-05-2019 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE SANJIV KHANNA  
[VACATION BENCH]**

**For Petitioner(s)**

**Mr. V. Shekhar, Sr. Adv.  
Mr. Rahul Chitnis, Adv.  
Mr. S. Sanyal, Adv.  
Mr. Abhikalp Singh, Adv.  
Mr. Apoorv Shukla, AOR**

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**

**O R D E R**

**This special leave petition has been filed against final judgment and order dated 10.05.2019 passed by the Chief Metropolitan Magistrate, Calcutta in Case No. L2/DD/30/19 whereby**

**learned Magistrate has rejected the prayer of the petitioner to amend the order dated 08.05.2019 granting bail to the petitioner.**

By the order dated 8.05.2019, the learned Magistrate granted bail to the petitioner *inter alia* on condition of producing registered surety. By reason of the call given by the Bar Council of West Bengal on 29.04.2019, Advocates all over West Bengal have struck work completely, as a result of which the petitioner, a resident of Nagpur is unable to approach the Calcutta High Court for relief. Learned counsel submits that the petitioner who is a resident of Nagpur, is not in a position to produce any registered surety. It is also submitted that the petitioner's mother is critically ill, for which he needs to go home.

The short question is whether the petitioner can indefinitely be kept in jail for inability to fulfill the condition of producing a registered surety and that too when he is unable to produce a registered surety for reasons entirely beyond his control. The answer to the aforesaid question necessarily has to be in the negative.

We, therefore, deem it appropriate to direct the learned Chief Metropolitan Magistrate concerned to consider modifying the orders dated 10.05.2019 and 08.05.2019 on such appropriate terms as may be deemed necessary, including cash security and / or reliable surety though not registered, without insisting on registered surety.

The petitioner shall be produced before the Chief Metropolitan Magistrate. If it is found that the Court Room is locked, as alleged (which seems rather incredible), or if it is not possible to produce the petitioner before the Chief Metropolitan Magistrate by reason of picketing and / or obstruction or otherwise, the petitioner may be produced before the High Court on or before

22.10.2019 for consideration of modification of the bail on appropriate terms.

The special leave petition is disposed of.

(MEENAKSHI KOHLI)  
COURT MASTER

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR