
(2019) 05 SC CK 0096

Supreme Court Of India

Case No: Special Leave Petition (Crl.) No(S). 4899 Of 2019

Wasim Ahme

APPELLANT

Vs

State Of West Bengal

RESPONDENT

Date of Decision: May 20, 2019

Citation: (2019) 05 SC CK 0096

Hon'ble Judges: Indira Banerjee, J; Sanjiv Khanna, J

Bench: Division Bench

Advocate: V. Shekhar, Rahul Chitnis, S. Sanyal, Abhikalp Singh, Apoorv Shukla

Final Decision: Disposed Of

Judgement

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 the 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.