

21.10.2020
UL.
Ct.12
FB/G. S. Das

C.R.M. No.5466 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagatballavpur Police Station Case No. 125 of 2012 dated 16.07.2012 under Sections 395/396/397/412 of the Indian Penal Code and Sections 25(1)(a)/27 of the Arms Act.

And

In the matter of:-

Sultan Ali Sk. @ Selim

... Petitioner

Mr Soumya Basu Roy Chowdhuri

Mr. Arnab Chatterjee

.. for the petitioner

Mr. Bidyut Kr. Roy

Ms. Rita Datta

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

With the consent of the parties, the matter is treated as on the day's list.

The matter is mentioned on the grounds of urgency. This is an application for bail which was allowed by the Hon'ble Division Bench *vide* its order dated 16.10.2020.

Mr. Arnab Chatterjee, Learned Counsel, represents the petitioner assisting Mr. Soumya Basu Roy Chowdhuri, Learned Counsel, who appeared for the petitioner on 16.10.2020, and

submits that the petitioner is unable to execute the relief of bail granted to him due to the reason that the order of bail was made subject to the satisfaction of the Learned Additional Chief Judicial Magistrate, Howrah and not, as per the legal requirement in the facts of the present case, to the satisfaction of the Learned Chief Judicial Magistrate, Howrah.

Ms. Datta, Learned Counsel, appears for the State and does not oppose the submissions of the petitioner.

Considering that the petitioner would continue to remain under detention inspite of obtaining the order of bail on 16.10.2020 and, further considering the fact that the regular Court closes for vacation at the close of working hours today, the prayer for correction of the order dated 16.10.2020 is accepted.

Let the operative portion of the order dated 16.10.2020 now be read as subject to the satisfaction of the Learned Chief Judicial Magistrate, Howrah in place and stead of the Learned Additional Chief Judicial Magistrate, Howrah.

This order be read as part of the order dated 16.10.2020.

Registry to take the formal steps.

All parties shall act in terms of a copy of this order downloaded from the official website of this court.

Urgent certified photostat copy of this order, if applied for, be supplied to the parties, subject to convenience with all requisite formalities.

(Bibek Chaudhuri, J.)

(Subrata Talukdar, J.)