

28.1.2021
ks.
Ct. 42, sl.5

CRR 197 of 2021

Sanjay Mondal
vs
State of West Bengal

Mr. Safdar Azam
... For Petitioner.
Mr. Sudip Ghosh,
Mr. A.K. Datta,
Mr. Bitosok Banerjee
... For the State.

The impugned order dated 19th February, 2018, passed by the learned ACJM, Basirhat in G.R. Case No.681 of 2003, issuing warrant of arrest against the petitioner, is the subject matter of challenge in this case.

Learned Advocate representing the petitioner submits that previously the petitioner was on bail and due to misconception of date, the petitioner could not ensure his appearance on the date stipulated, and in consequence thereof, the warrant of arrest was issued against the petitioner. The petitioner wants to offer himself to the course of law.

Learned Advocate representing the State submits that though previously, the petitioner was on bail, but he did not take any steps since long, and as a result thereof, the court had no other alternative, but to issue warrant of arrest against the petitioner. Though it is a case of misuse of bail, but the same should not be lightly viewed. The petitioner is found involved in a case under Sections 326/307/34 IPC read with Section 25/27 of the Arms Act.

Having considered the rival submissions of the parties and bearing in mind that previously the petitioner was in bail, the impugned order issuing warrant of arrest against the petitioner is stayed for a period of three weeks from hence, subject to the condition that the petitioner shall surrender himself before the learned court below within a fortnight, and if any bail petition is filed, upon surrendering before the court below within the stipulated period of time, the same shall be disposed in accordance with the provisions of law, providing adequate opportunities of hearing to the parties.

With this direction and observation, the revisional application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Subhasis Dasgupta, J.)