

9.4.2021
ks.
Ct. 42, sl.16

CRR 651 of 2021

Goutam Pal @ Babu
vs
State of West Bengal

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose
... For Petitioner.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata
... For the State.

The impugned order dated 7th December, 2020 passed by the Special Executive Magistrate, Chandannagar Division in NGR(Ex) No.03/2020 issuing warrant of arrest against petitioner is the subject of challenge in this revisional application.

A good behaviour bond was admittedly furnished by the petitioner conditioned by two local sureties of Rs. 1 lakh each. Upon furnishing such bond, the court accepted the same and directed release of the petitioner from Presidency Correctional Home. From a letter of Axis Bank Limited, Chinsurah dated 7.11.2020, and letter of NGRE Sadar Court dated 4th December, 2020, it could be learnt that those fixed deposits already furnished by the local sureties had already been liquidated by the depositors/holders through Internet Banking prior to placing the same before the court of learned Magistrate.

Learned Advocate for the petitioner submits that the very purpose of the good behaviour bond has been frustrated with the issuance of W/A against petitioner, and the execution of the warrant of arrest may be stayed for the purpose.

Mr. Sur, learned Advocate representing the State strenuously contends that the subsequent conduct of the petitioner itself is highly revealing, and the same may be taken in view to pass necessary order in this case.

Having considered the submission of the parties, the instant revisional application may be disposed of giving following directions:

Let there be an order directing stay of operation of the impugned order for seven days subject to the condition that the petitioner shall surrender before the learned court below within such stipulated period of time.

The learned court below shall be free to deal with post release of the petitioner upon surrendering in accordance with the provisions of the law.

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.)