

13.4.2021

ks.

Ct. 42, sl.30

CRR 1112 of 2021

Dibakar Ganguly & Anr.

vs

State of West Bengal

Mr. Kushal Kumar Mukherjee

... For Petitioner.

Md. Anwar Hossain,

Ms. Sreyashee Biswas

... For the State.

At the threshold of this application Mr. Mukherjee, learned Advocate representing the petitioners foregoes the quashing and thereby restricting his prayer to the warrant of arrest issued against the petitioners.

Copy of this revisional application has not been served upon the State.

Mr. Hossain, learned Advocate is present in court, who ordinarily defends the State being an empanelled learned Advocate for the State.

Copy of this revisional application be immediately handed over to Mr. Hossain for the proper address of the issue involved in this case.

Learned Advocate for the petitioners contends that previously the petitioners were on bail and due to mis-conception of date, they could not ensure their appearance on the stipulated date before the learned court below, and in consequence thereof, warrant of arrest has been issued against the petitioners. According to the learned Advocate for the petitioners, the petitioner No.1 is 72 years of old having several ailments at the moment and despite serious illness of the petitioner No.1, he

wants to offer himself to the course of law upon surrendering before the learned court below subject to staying the warrant of arrest, at least for a limited period of time in order to enable the petitioners to effectively surrender before the learned court below.

Mr. Hossain, learned Advocate representing the State submits that since it is a case of misuse of liberty of bail, the same should not be lightly viewed.

Having considered the submission of both sides, the court is of the view that the instant revisional application may be disposed of, so as to sub-serve the purpose of justice giving direction mentioned as hereunder :

The impugned order issuing warrant of arrest issued against the petitioners be stayed for a fortnight subject to the condition that the petitioners will surrender before the learned court below within such stipulated period of time, and if any bail petition is filed upon surrendering within such stipulated period of time, the prayer for bail including feasibility of remaining on same bail may be considered by the learned court below and dispose of the same in accordance with the provisions of the law, providing sufficient opportunity of hearing to either of the parties to this case. While making surrender within such stipulated period, it is clarified that the petitioners will be at their liberty to submit medical papers before the learned court below for the due appreciation of the existing ailment of the petitioners, if there be any.

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.)