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September
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C.R.R. No. 1120 of 2020
(Via Video Conference)

In Re: An application under Section 482 read with 401 of the Code of Criminal Procedure, 1973.

Arindam Chakraborty
Versus
State of West Bengal

Mr. Soubhik Mitter,
Mr. Raju Mondal.
...for the petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.
...for the State.

The revisional application was preferred against the order dated 15th July, 2020 when the investigation of the case was in progress.

Mr. Swapan Banerjee, learned advocate appearing for the State has submitted a report which reflects that charge-sheet has been submitted before the jurisdictional court in connection with Durgapur Police Station Case No.158 dated 29.04.2020 in the month of June, 2021.

Let the report be kept with the record.

The petitioner challenged the order of cancellation of bail, which was passed on 15th July, 2020 within a reasonable period of time and throughout the pendency of the revisional application participated in the proceeding.

Having regard to the conduct of the petitioner and the fact that charge-sheet has been submitted as there has been change

of circumstances presently, lenient view is required to be taken. The issue, which compelled the learned Additional Sessions Judge, Fast Track Court-I, Durgapur, was regarding the addition of Section 67/67A of Information Technology Act and the requirement of the present petitioner after the addition of the said Section. As the said stage is presently over, I am not inclined to enter into the merits of the issue whether the bail granted initially by the learned Magistrate was legal or illegal, neither I am inclined to address the issue as to whether the cancellation of bail by the learned Sessions Judge was in accordance with the settled principles of law.

Having regard to the fact that charge-sheet has already been submitted and the petitioner was represented by Mr. Soubhik Mitter, learned advocate for the petitioner, I am of the view that in case the petitioner surrenders by 30th September, 2021 before the learned ACJM, Durgapur, he may be allowed to continue on the same bail bond and, if required, the learned Magistrate will be at liberty to impose other conditions. The execution of warrant of arrest or any harsher process of law till 30th September, 2021 is stayed. In case the petitioner do not surrender on the date so fixed on 20.09.2021, the learned ACJM will be at liberty to revert back to the stage when the process was issued for declaring the petitioner as proclaimed offender.

With the aforesaid observations, CRR 1120 of 2020 is disposed.

Pending application (s), if any, is consequently disposed of.

The learned ACJM, Durgapur is directed to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)