

CRR 1986 of 2021

In re : An application under Sections 397, 482 of the Code of Criminal Procedure, 1973 for quashing of proceedings being GR No. 2429 of 2016 under Sections 147/148/324/307 of the Indian Penal Code, 1860, corresponding to Mograhat Police Station Case No. 268 of 2016 dated June 20, 2016, pending in the Court of the learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 Parganas.

In the matter of : **Jakir Hossain Molla & Ors.**

..... petitioners

**Mr. Biswajit Ghosh
Mr. Bijoy Bag
Mr. Sumitava Chakraborty**

.... For the petitioners

**Ms. Sukanya Bhattacharyya
Mr. Mirza Firoj Ahmed Begg**

.....For the State

It appears that the petitioners were granted anticipatory bail by this Court by an order dated May 11, 2017, passed in CRM No. 3515 of 2017.

Mr. Biswajit Ghosh, learned advocate appearing for the petitioners submits that, the warrant of arrest was issued against the petitioners without issuing any summons. The learned Magistrate in the Court below was not justified in observing that the petitioners were absconding.

I am of the opinion that when the petitioners were granted anticipatory bail, learned Magistrate in the Court below should not have issued the warrant of arrest against the petitioners on the ground that they were absconding particularly when the charge-sheet indicated the petitioners were all on anticipatory bail.

In that view of the matter, without delving into any other aspect, this revisional application is disposed of with a direction upon the petitioners to surrender before the learned Magistrate in the Court below within a period of eight weeks from date. The warrant of arrest issued against the petitioners shall remain stayed for a period of eight weeks from date. If the petitioners surrender before the learned Magistrate in the Court below within the stipulated period as directed above, the learned Magistrate shall consider the prayer for bail of the petitioners in accordance with law.

In the event the petitioners do not surrender within the stipulated period as mentioned above, the learned Magistrate in the Court below will be at liberty to execute the warrant of arrest against petitioners.

The application being **CRR 1986 of 2021** is, thus, disposed of.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)