

CRR 2423 of 2021
(Via video conference)

In the matter of : Shibui Sarkar @ Shibui Pada Sarkar
.....Petitioner

Mr. Sagar Saha ...for the petitioner

Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas ...for the State

Mr. Saha, learned advocate for the petitioner submits that for reasons beyond control, the petitioner could not appear before the learned Court and thereafter warrant of arrest was issued.

Learned advocate for the petitioner submits that in the meantime, the court was operating in a staggered manner because of Covid-19 Pandemic and presently, the petitioner is afraid to approach the trial court as he may be taken into custody.

Mr. Hossain, learned advocate appears on behalf of the State.

I have perused the order sheet so enclosed and I find that the petitioner was earlier granted bail. However, records also reflect that notice was issued upon the surety but subsequently, warrant of arrest has been issued.

Having regard to the chronology of events, I find no illegality in the order passed by the learned Magistrate, but having regard to the fact that in the meantime, substantial progress in relation to criminal cases, could not proceed because of Covid-19 Pandemic, an opportunity must be granted to the

present petitioner so that he may be available before the Court on each and every date so fixed.

Accordingly, if the petitioner appears before the learned jurisdictional Court by 10th January, 2022, the learned jurisdictional court would allow the petitioner to continue on the same bail and bond as granted earlier.

Warrant of arrest which are pending against the present petitioner, be stayed till 15th January, 2022. In case, the petitioner does not surrender by 10th January, 2022, the learned Magistrate would be at liberty to exhaust harsher process of law.

It is further directed that in case, the petitioner surrenders within the aforesaid time, the learned Magistrate would impose a condition that the petitioner would meet the Officer-in-charge, Baishnabnagar Police Station once in a week for a period of four months. The petitioner shall make himself physically available on each and every date fixed by learned trial Court and will not make himself absent on a single date without reasonable cause.

With the aforesaid observations, CRR 2423 of 2021 is disposed of.

All parties are to act on the server copy of this order duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)