

21.12.2021
Court No.34
Item No.26
AP

CRR 2501 of 2021
(Through Video Conference)

In Re.: An application under Section 482 read with Section 401 of the Code of Criminal Procedure 1973 filed in connection with Mahestala P.S. Case No.285 of 2017 dated 17.05.2017 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In the matter of : **Ayub Ali Munshi and Anr.**

.... Petitioners.

Mr. Md. Sarwar Jahan
Mr. Maidul Islam Kayal

... For the Petitioners.

Mr. Arijit Ganguly
Ms. Monisha Sharma

... For the State.

The petitioners claim that they have been diligent in attending the Court since they were granted bail. However, during the period of Covid-19 pandemic a stagnation was existing and as such they were unable to contact with the learned lawyer representing them as such on 19th February 2021 a direction was passed upon the sureties to produce them and the next date was fixed on 8th June to 10th June 2021 when again date was fixed on 16th November 2021 and on 16th November, 2021 the learned Court was pleased to issue warrant of arrest against them.

Records reflect that at least the petitioners were not responsible for delaying the case. However, in a session's triable case it is incumbent for the accused persons to appear as and when specified by the learned Trial Court.

Mr. Arijit Ganguly, learned advocate appears on behalf of the State.

In view of the order so passed prima facie there were no option left to the learned Trial Court except issuing the warrant of

arrest. However, in view of the observation of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and Anr.*** reported in ***2021 SCC Online SC 922*** I am of the view at the first instance it would have been proper for the learned Court to issue a bailable warrant for affording opportunity to the accused persons to appear before the Court. The records reflect that the next date fixed on 20th January 2022.

In view of the aforesaid the warrant of arrest so issued be stayed till 21st January 2022. Within the said period if the petitioners appear/surrender before the learned Trial Court, learned Trial Court will allow the petitioners to continue on the same bail and bond. However, the petitioners would meet the Officer-in-Charge, Mahestala Police Station once a week until further orders or unless modified by the learned Trial Court at least after four months. In case the petitioners do not appear/surrender by 21st January, 2022 the learned Trial Court will be at liberty to issue harsher process of law for compelling appearance of the accused petitioners.

With the aforesaid observation, CRR 2501 of 2021 is disposed of.

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

(Tirthankar Ghosh, J.)