

D/L 19
December
23, 2021
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C.R.R. No.2539 of 2021
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 filed in connection with English Bazar Police Station Case No.77 of 2020 dated 22.01.2020 under Section 399/402 of the Indian Penal Code;

Sajir Ahamed & Ors.
Versus
The State of West Bengal

Mr. Avik Ghatak,
Mr. Soumya Nag.
...for the petitioners.

Mr. Arijit Ganguly,
Ms. Manisha Sharma.
...for the State.

Learned advocate for the petitioners at the very inception expressed for not pressing the application on behalf of the petitioner no.3, namely, Najrul Ali @ Najrul Islam.

Accordingly, the revisional application so far as it relates to the petitioner no.3 is dismissed as not pressed.

So far as the petitioner no.1, namely, Sajir Ahamed and petitioner no.2, namely, Habibur Rahaman are concerned, it has been brought to my notice that so far as the order dated 23rd December, 2020 passed by the learned Sessions Judge is concerned, the same was in violation of the basic tenets of the law as the bail bond was forfeited without affording sufficient

opportunity to the petitioners.

Mr. Arijit Ganguly, learned advocate, who ordinarily appears on behalf of the State is directed to appear on behalf of the State to assist the Court. His appointment may be regularised by the concerned authorities.

I find that the petitioner nos.1 and 2 were on interim bail and they did not physically appear in court on December 23, 2020 although steps were taken by the learned advocate on the said date.

In view of the Covid-19 Pandemic the courts are operating in a skeleton manner, I am of the opinion that the learned court should have granted the petitioners another opportunity before canceling their bail.

Having regard to the undertaking given by the learned advocate appearing for the petitioners, I direct that, in case the petitioner no.1, namely, Sajir Ahamed and the petitioner no.2, namely, Habibur Rahaman appear before the learned Sessions Judge, Malda by 20th January, 2022, the learned court will allow them to continue on the earlier bail and bond. However, the learned court will fix a date within a month for confirmation of the bail after issuing notice to the respect parties.

The warrant of arrest so issued is stayed till 21st January, 2022. In case the petitioners do not appear within the date so fixed, the learned Sessions Judge will be at liberty to proceed to the next harsher recourse under the law.

With the aforesaid observations, CRR 2539 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.)