

AD 21
01.07.2022
Ct.35
(S. Banerjee)

CRR 68 of 2020

Braja Adhikary
Vs.
The State of West Bengal & Anr.

Mr. Malay Bhattacharyya
Mr. Subhrojyoti Ghosh

... for the petitioner

Mr. Madhusudan Sur, APP
Mr. Manorajnan Mahata

... for the State

Party/parties is/are represented in the order of their names appearing in the cause-title. The matter is listed today for hearing.

Petitioner has filed this revisional application under Section 482 of the Code of Criminal Procedure assailing order dated 20.07.2019 passed by learned Additional Chief Judicial Magistrate, Bishnupur, Bankura whereby a warrant of arrest was issued and thereafter on 05.11.2019 an order was passed for execution of the warrant of arrest in connection with GR Case No. 679 of 2018 arising out of Sonamukhi Police Station Case No. 135 of 2018 under Sections 341/323/307/506/354B/376/511 and 195A of the Indian Penal Code and Section 25(i)(a) of the Arms Act.

An affidavit of service has been filed on behalf of the petitioner showing service upon the State through learned Public Prosecutor, High Court, Calcutta.

Perused the revisional application and the impugned order.

It has been contended by the petitioner that he has been arraigned as an accused in Sonamukhi Police Station Case No. 135 of 2018 in which he filed an application praying for bail.

Learned Additional District and Sessions Judge, Bishnipur by his order dated 12.12.2018 granted interim bail to the petitioner till 24.01.2019 and also directed the petitioner to meet the Investigating Officer twice a week until further order.

On 24.01.2019 learned Additional District and Sessions Judge, Bishnupur was pleased to extend the interim of bail till 19.03.2019 and the conditions imposed were waived. Subsequently the interim order for bail was extended till 19.07.2019.

The petitioner did not misuse the bail granted in his favour but did not appear before the court of learned Additional Sessions Judge on 19.07.2019 on being instructed by his learned advocate that the local Bar was observing cease work and as such he was not required to come to the court. The petitioner on being advised, did not appear and did not pray for extension of interim order of bail. Due to such development,

learned Additional District and Sessions Judge was pleased to cancel the interim bail of the petitioner on 19.07.2019.

On the basis of order dated 19.07.2019, warrant of arrest was issued by the Additional Chief Judicial Magistrate, Bishnupur on 20.7.2019.

The petitioner herein has prayed for recalling order dated 20.07.2019 passed by Additional Chief Judicial Magistrate, Bishnupur.

Learned advocate for the petitioner submitted that there was an interim order of stay passed by this court on 09.01.2020 for a period of two weeks and the petitioner is still at large. Learned advocate submits that a direction may be issued so that the petitioner may surrender before the concerned court within two weeks.

Heard the learned advocate for the State.

Learned State Advocate raised objection and submitted that the interim order has expired long ago but the petitioner has taken the liberty of staying away from the court.

Considered the submissions.

It can be well assumed that the accused person has taken undue liberty by staying away from the court for such a long period after he was granted interim bail.

A person who has been granted bail is duty-bound to follow the conditions and make himself amenable to the rule of

law instead of staying away from the court on the pretext that he had been so advised by his advocate. This indulgence cannot

be accepted. The petition for revision is devoid of merit and the same is dismissed.

The petitioner is directed to surrender before the jurisdictional court within a period of two weeks.

Let a copy of this order be communicated to the learned Additional Chief Judicial Magistrate, Bishnupur for information.

(Ananda Kumar Mukherjee, J.)