

17.06. 2022
item No.6
n.b.
ct. no. 34

CRR 736 of 2022

**Sambhu Mondal & Anr.
Vs.
State of West Bengal & Anr.**

Mr. Sourav Chatterjee,
Mr. Joy Chakraborty,
Mr. Sandip Dinda
.....for the Petitioners

Mr. Rudradipta Nandy,
Mr. Ranabir Roy Choudhury,
Mr. Sandip Chakraborty,.... For the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the application for anticipatory bail has been preferred before the learned Sessions Judge, Alipore but because of the order of proclamation and attachment already issued the maintainability of the same would be in question. According to the learned advocate such proclamation order was issued in course of pendency of the investigation and prior to the charge-sheet being submitted and as such the petitioner did not get any opportunity to pursue for his liberty before any forum.

Mr. Chakraborty, learned advocate appearing for the State submits a report. Let such report be kept with the record.

On perusal of the report I find that the police authority complied with the provisions of Sections 82 and 83 of the Code of Criminal Procedure as such the legality of the provisions cannot be questioned. However, the petitioners are granted opportunity only for exercising their liberty.

The order of proclamation and attachment would be stayed till July 12, 2022. The petitioners in the mean time would not leave the jurisdiction of Canning Police Station.

The Officer in Charge of Canning Police Station will depute an officer to check regarding the availability of the petitioners at the address provided in the cause title of the present revisional application.

The learned Trial Court would revive the order of proclamation and attachment already issued on July 13, 2022 without any further report of the Police Authorities.

With the aforesaid observations, CRR 736 of 2022 is disposed of.

All pending connected applications, if any, are consequently 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.)