

Court No.
39
Item 6
Ssi

29.04.
2022

C.R.R. 1181 of 2022

In the matter of:- **Hasim Mallick & ors.**

**Mr. Imtiaz Ahmed
Ms. Gazala Firdous
Mr. Mufakkerul Islam
Ms. Shaila Afrin**

...for the petitioners

**Mr. Imran Ali
Ms. Baisali Basu**

...for the State

This is an application challenging an order of issuing warrant of arrest against the present petitioners.

Let a copy of this application be served upon Mr. Imran Ali and Ms. Baisali Basu, learned counsels, who are present in Court today and who ordinarily appear on behalf of the State. Their engagement may be regularized in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. They were granted anticipatory bail by this Court on 08.06.2005. They obtained bail on 24.06.2005. Thereafter, charge-sheet was submitted in the month of August 2006. Due to miscommunication,

the petitioners did not attend the Court and warrant of arrest was issued against them on 17.10.2006. After some time, the petitioner no.1 was taken into custody. Thereafter, the petitioner no.1 was granted bail by this Court on 29.01.2009. However, again due to miscommunication, he did not take steps before the learned trial Court and a warrant of arrest was issued against them. The same remains pending. The petitioners want to join the proceeding at the earliest.

Learned counsel for the State opposes the prayer for stay of the warrant of arrest and submits that the petitioners have absconding since long.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners and the State and have perused the revision petition.

It appears that the petitioners were twice granted bail and yet which is vary the condition and remained absconding. However, the present warrant of arrest has remained pending since 2009. Therefore, this is not a fit case where the warrant of arrest of stay issued. However, it is always open to the petitioners to surrender before the learned trial Court.

Let the petitioners are directed to surrender before the learned trial Court within fortnight from this date.

In the event the petitioners surrender before the

learned trial Court within the stipulated time and prays for bail, their applications for bail shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)