

20.09.2022
S/L No.61
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C.R.R. 893 of 2021
With
IA No. CRAN 2 of 2022
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CRAN 3 of 2022 [Not Found]
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CRAN 6 of 2022 [Not Found]

Kalyan Mondal
-Vs.-
The State of West Bengal & Anr.

In Re. An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

Mr. Samrat Goswami
Mr. A. N. Chandra
..... For the Petitioner
Mr. Swapan Banerjee
Ms. Purnima Ghosh
.....For the State
Mr. Swapan Kumar Mallick
Ms. Sudeshna Das
.....For the Complainant/O.P. No.2

The issue in this revisional application relates to an order of 17th March, 2021 where the petitioner was aggrieved by the rejection of the recall of warrant of arrest prayed before the Learned A.C.J.M., Alipore, 24 Parganas (South).

Learned advocate appearing for the petitioner submits that in the hostile atmosphere and by misconduct of certain persons entrusted with the litigation, the petitioner's bail was cancelled and

even surety did not inform so that proper steps could be taken on the date on which the cancellation of bail was heard or the warrant of arrest was issued by the Learned A.C.J.M., Alipore.

Mr. Mallick, learned advocate appearing for the opposite party submits that the warrant of arrest has already been recalled as such the revisional application has become infructuous.

Mr. Banerjee, learned advocate appearing for the State submits that proceedings before the Learned A.C.J.M. are unnecessarily stalled because of the pendency of the present revisional application. The Appearance of the petitioner be ensured before the Learned Magisterial Court so that no further delay takes place.

I have considered the submissions of the learned advocate appearing for the petitioner and do not intend to deal with the issues so canvassed relating to the cancellation of bail and the subsequent warrant of arrest which was issued after the surety could not find the present petitioner. The order under challenge is of 17th March, 2021, today we are in the month of September, 2022 more than one and half years have expired in the meantime.

Having regard to the change of circumstances and that the final opinion of the Investigating Officer is yet to be submitted before the Court, I direct that in case the petitioner appears before the Learned A.C.J.M., Alipore in connection with Gosaba Police Station Case No.138 of 2020 and furnishes local surety of an individual within the jurisdiction of Gosaba Police Station to the tune of

Rs.20,000/- with an additional registered surety of Rs.20,000/-, the Learned Magistrate would accept the same and allow the petitioner to continue on the same bail. Needless to state so far as the appearance of the petitioner is concerned, the Learned Magistrate would ensure the same by directing him to appear once in a fortnight before the Learned A.C.J.M., Alipore until further orders are passed by the said Court. This is independent of the fact that whether the date has been fixed for the purpose of the case or not. If there is any change in address, the petitioner would immediately inform the Learned A.C.J.M., Alipore so that necessary amendments can be made in the bond so furnished. Petitioner shall also meet with the Investigating Officer of the case once in a fortnight till submission of the charge-sheet. Any other terms, if required, the Learned A.C.J.M., Alipore would be at liberty to impose. Non-compliance of any terms as imposed above would entitle the Learned A.C.J.M., Alipore to cancel the bail and bond without further reference to this Court.

With the aforesaid observations, C.R.R. 893 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

Department is directed to send back the Lower Court Records by 26th September, 2022.

Petitioner is directed to approach the Learned A.C.J.M., Alipore in between 27th September, 2022 to 30th September, 2022 for complying with the aforesaid directions.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)