

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2205 of 2022

**Madhu Sudan Dutta
Vs.
The State of West Bengal**

**For the petitioner : Mr. Navanil De, Adv.,
Mr. Srinjan Ghosh, Adv.,
Mr. Subhrajit Dey, Adv.**

**Heard &
Judgement on : 11.07.2022.**

Bibek Chaudhuri, J.

In respect of Bharatpur Police Station Case No. 223 dated 11th November, 2013, the petitioner was granted anticipatory bail vide order dated 12th December, 2013.

Subsequently, Charge-sheet was filed under Sections 341/325/308 of the Indian Penal Code against the accused. The case was fixed for examination of the accused under Section 251 of the Code of Criminal Procedure. The accused failed to appear before the Trial Court on two consecutive dates, so the Learned Trial Judge issued warrant of arrest against the accused. It is submitted by Mr. Navanil De, Learned Advocate for the petitioner that the Learned Trial Judge did not follow the provision under Section 71 of the Code of Criminal procedure. He failed to direct the surety to produce the accused and,

on the other hand, he straightway issued warrant of arrest against the accused.

Section 71 of the Code of Criminal Procedure is the power to direct security to be taken. It is the discretionary power of the Trial Court. The Trial Court would have exercised the said discretion or under Section 72 of the Code of Criminal Procedure can issue warrant of arrests directly.

In view of such circumstances, I do not find any illegality in the instant order.

However, the petitioner is at liberty to surrender before the Court below within three weeks from the date of this order and in case of voluntary surrender, the learned Trial judge shall admit him on bail on the ground that he will appear on all the dates of trial in the Trial Court with sufficient security.

With the above direction, the instant revision is **disposed of**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)