

Form J(1)

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

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

**CRR 3308 of 2022**

**Binod Kumar @ Binod Kumar Shaw  
Vs.  
The State of West Bengal**

Mr. Kallol Mondal  
Mr. Krishan Ray  
Mr. Souvik Das  
Ms. A. Banerjee  
..for the petitioner

**Item No. 07.**

**Heard & Judgment on: 25.01.2023**

**Bibek Chaudhuri, J.**

The accused is the petitioner before this Court. In the instant revision an order dated 20<sup>th</sup> November, 2021 passed by the learned Sessions Judge-in-charge, South 24 Parganas at

Alipore in Misc. Case No.1891 of 2021 filed in EBGR No.09 of 2020 was rejected. The petitioner has assailed the aforesaid order passed by the learned Sessions Judge-in-charge.

Suffice it to mention that the petitioner was granted anticipatory bail by the learned Sessions Judge vide order dated 20<sup>th</sup> April, 2021. In the order the petitioner was directed to surrender before the learned trial Court within seven working days from the date of the order.

It is submitted on behalf of the petitioner that the petitioner applied for the certified copy of the order dated 20<sup>th</sup> April, 2021 but he could not receive the certified copy of the said order from the Copying Department within the stipulated period of time. So, he could not surrender before the trial Court. Subsequently, he also could not take any step in the aforesaid case because of the Covid Pandemic. Only on 20<sup>th</sup> November, 2021 he filed a put up petition seeking permission for compliance of the order dated 20<sup>th</sup> April, 2021 by the learned Sessions Judge in Criminal Misc. Case No.189 of 2021. The learned Sessions Judge rejected the said application filed by the petitioner on the ground that the petitioner failed and neglected

to comply with the order dated 20<sup>th</sup> April, 2021 passed by the learned Sessions Judge in the above mentioned Misc. Case.

It is submitted on behalf of the petitioner that the petitioner was prevented by sufficient cause in complying with the order dated 20<sup>th</sup> April, 2021. He may be directed to act upon the said order passed by the learned Sessions Judge.

Mr. Ranabir Roy Chowdhury, learned P.P.-in-charge has raised no objection if the petitioner is directed to surrender before the trial Court and he is granted regular bail in terms of the order dated 20<sup>th</sup> April, 2021.

Having heard the learned advocates for the petitioner and the prosecution this Court is inclined to dispose of the instant application by giving an opportunity to the petitioner to surrender before the trial Court within seven working days from the date of communication of this order. If the petitioner surrenders in terms of the instant order, he shall be released on bail on the same terms and conditions as contained in the order dated 20<sup>th</sup> April, 2021.

In view of the above order, the order dated 20<sup>th</sup> November, 2021 passed by the learned Sessions Judge in the aforesaid case is set aside.

The instant revision is, accordingly, disposed of with the above direction.

**(Bibek Chaudhuri, J.)**