

01-09-2023
Subha
Item no. 52
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3301 of 2023

Md. Shamshad Hussain @ Raja.
-versus-
State of West Bengal & Anr.

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
....for the petitioner.

Mr. S. G. Mukherji, ld. PP
Mr. Md. Anwar Hossain
Mrs. Manisha Sharma
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Md. Anwar Hossain, learned Advocate, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned authorities in due course.

Petitioner was granted bail on 1st June, 2023 and he was directed to appear on 27th June, 2023 for consideration of charges. On 27th June, 2023, the petitioner also appeared before the trial court. An application for cancellation of bail was preferred at the instance of the Public Prosecutor. The trial court cancelled the bail by its order dated 8th August, 2023. In the said order, the learned Judge has taken into consideration the surety failed to produce the petitioner and it was also submitted before the court that the petitioner was not available at his residence. The learned court has also observed regarding compliance of Section 65 of the Code of Criminal Procedure being made.

Mr. Majumder, learned advocate appearing on behalf of the

petitioner has disputed such observation as there was no summons under Section 60 of the Code of Criminal Procedure to the extent that the same was not received by the petitioner.

Having considered the fact that the petitioner was granted bail only in the month of June, 2023, I am of the view that another opportunity be granted to the petitioner. Accordingly, the petitioner would be allowed to remain on the same bail but subject to the condition that he would furnish a fresh bond of a local surety of Rs.10,000/-.

If on bail, the petitioner shall meet with the Officer-in-Charge of Asansol North Police Station once a week till further order of the court. The concerned Officer-in-Charge of Asansol North Police Station will once in a month report regarding the compliance of the learned trial court/jurisdictional court. In case the petitioner is found subsequently not conducting himself in a manner or is designedly trying to delay the proceedings before the learned trial court, I direct the learned trial court to cancel the bail without referring the matter to this court. The petitioner shall make himself available on all the dates fixed henceforth before the learned trial court.

With the aforesaid observations, the revisional application being CRR 3301 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

