

01.11.2023
6
SB
Ct. No.7
(vacation Bench)

CRR 4416 of 2023

Saumitra Khan
Vs.
The State of West Bengal & Anr.

Mr. Sourav Chatterjee
Ms. Koel Mukherjee
Mr. Anurag Sardar ... for the petitioner

Mr. N. P. Agarwala
Mr. P. Bose ... for the State

The petitioner was granted anticipatory bail in connection with Patrasayer Police Station Case No. 03 of 2019 dated 07.01.2019 by a Division Bench of this Court on March 27, 2019.

Subsequently, a warrant of arrest was issued against the petitioner by the relevant Magistrate.

It has been submitted by Mr. Chatterjee, learned counsel appearing on behalf of the petitioner that since there are number of malicious criminal proceedings filed against the petitioner, due to inadvertence, he could not appear before the learned Magistrate.

Mr. Agarwala, learned counsel appearing on behalf of the State submits that the petitioner did not surrender before the learned Magistrate even after four years from the date of the anticipatory bail order.

However, the judgement passed by the Hon'ble Supreme Court reported at **(2020) 5 SCC 1 [Sushila Aggarwal vs. State**

(NCT of Delhi)] makes it clear that an order of the anticipatory bail remains operative till the conclusion of the trial.

In that view of the matter, I direct that during the pendency of the present revisional application if the petitioner appears within two weeks before the learned ACJM, Bishnupur, Bankura in connection with Patrasayer Police Station Case No. 03 of 2019 dated 07.01.2019 and prays for bail, the warrant of arrest issued by the learned Court in such circumstances following the judgment of the Hon'ble Supreme Court reported at **(2007) 12 SCC 1 (Inder Mohan Goswami v. State of Uttaranchal)** be treated as bailable warrant. Learned Magistrate accordingly on surrender would decide the application for bail in accordance with law.

List the revisional application under the heading 'Motion' one week after the Puja Vacation.

(KAUSIK CHANDA, J.)