

28.02. 2023
item No.2
n.b.
ct. no.III

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

CRR 167 of 2021

**Pratima Baishya & Ors
Vs.
The State of West Bengal & Anr.**

Mr. Debasish Mukherjee,
Ms. Madhu Shree Dutta,
Ms. S. Basu
... for the petitioners.
Mr. Aditi Shankar Chakraborty,
Mr. Surav Gnaguly,
.....for the State.

The instant criminal application has been preferred against an order No.42 dated 01.4.2021 passed by the Learned Chief Judicial Magistrate, Coochbehar in G.R. Case No. 367 of 2013 wherein the learned Magistrate had issued a warrant of arrest against the present petitioner.

Learned advocate on behalf of the petitioners submits that the bail was granted to the petitioners in connection with this case and the date was fixed for service of copies; due to the non-communication of the learned advocates, the petitioner could not reached the Court. Accordingly, the warrant of arrest was issued. He prayed for stay warrant of arrest.

Learned advocate appearing on behalf of the State raises strong objection before this Court on the ground that the case was initiated under Section 498A/302 of the IPC. The case was stalled dueto for the conduct of the presence of the petitioners and the copies are yet to be served.

Perused the case record and also perused the impugned orders it appears that the present petitioner no.1 was granted bail

by this Hon'ble Court vide CRM No. 9415 of 2015 and the bail of petitioner no.2 was granted after serving by the learned Sessions Judge on 31.10.2014.

Considering the fact that the impugned order is not improper.

I am of a view that this is ample opportunity to the petitioner to surrender before the learned Court below and for pray for regular bail. It is further ordered that the learned Court below shall consider the prayer of the petitioners on the ground that the bail prayer had earlier been considered and allowed and their custodial interrogation is not necessary. At this juncture, I find no justification to interfere in this matter.

Accordingly, CRR 167 of 2021 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)