

CRR 4098 of 2024

Rithu Mikel Mondal
Vs.
The State of West Bengal & anr.

Adv. Surajit Basu,
Adv. Jasika Alam,

...for the petitioner.

The petitioner has assailed the order passed by the learned Additional Sessions Judge, 4th Court, Barasat on 29th August, 2024 in Sessions Trial no. 01(03) of 2022 directing issuance of warrant of arrest against him.

It appears that the petitioner was granted bail by this Court vide order passed on 1st March, 2024 in CRM (DB) 626 of 2024 subject to condition that he shall appear before the learned trial Court on every date of hearing and shall not intimidate the witness or tamper with evidence in any manner whatsoever. The order also records that in the event the petitioner fails to appear before the learned trial Court without justifiable cause, the learned Court shall be at liberty to cancel his bail without reference to the Court.

The petitioner filed an application under Section 317 of the Code of Criminal Procedure before the learned trial Court on 29th August, 2024 which was turned down by the learned Court on an observation that allowing the said petition would tantamount to interference with the order passed by this Court. A copy of the application under Section 317 of the Code filed by the petitioner does not demonstrate any justifiable cause for his absence on that date.

The petitioner undertakes to surrender before the learned trial Court within seven days from date.

If the petitioner surrenders before the learned Court within seven days from date and files an application for bail, the learned trial Court shall deal with the same in accordance with law.

Warrant of arrest issued vide order passed on 29th August, 2024 is stayed till 8th October, 2024.

In the event if the petitioner fails to surrender before the learned Court within the stipulated time frame, the learned trial Court shall be at liberty to take necessary steps against the petitioner, in accordance with law, without further reference to this Court.

CRR 4068 is allowed.

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

(Suvra Ghosh, J.)