

25-09-2025
ct no. 22
Sl. 7
RP

C.R.R. 4244 of 2025

Gobinda Yadav

-Versus-

State of West Bengal and Anr.

Mr. Sabir Ahmed,
Mr. Tasnim Ahamed,
Mr. Dhiman Banerjee,
Mr. Ezaz Ahmed.

....for the Petitioner.

1. The present application is preferred by the petitioner challenging the order dated 4th June, 2025, passed by the learned Judge, 2nd Additional Sessions Judge, Alipore, South 24 Parganas, in connection with Special Case No. 222 of 2025 (arising out of Rabindranagar Police Station Case No. 137 of 2025 dated 22.03.2025), whereby a Warrant of Arrest was issued against the petitioner. The case involves offences under Sections 137/140(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, with the subsequent addition of Section 6 of the Prohibition of Children from Sexual Offences (POCSO) Act, 2012.
2. Learned advocate for the petitioner submits that the petitioner was initially granted bail vide order dated 24th March, 2025. The impugned warrant was issued after the learned Trial Judge, upon

taking cognizance of the subsequent addition of the graver offence under Section 6 of the POCSO Act, effectively cancelled the earlier bail.

3. Learned counsel emphatically submits that the bail granted to an accused cannot be mechanically cancelled solely on the ground of the subsequent inclusion of a graver section after the initial grant of bail. In support of this contention, learned counsel refers to Paragraphs 29 and 30 of *Pradeep Ram vs. State of Jharkhand*, reported in 2019 (17) SCC 326. It is argued that the order issuing the warrant, being a consequence of such *deemed* cancellation, was passed without proper application of judicial mind on the issue of cancellation.
4. Having considered the submissions advanced by the learned advocate for the petitioner and noting the serious arguable question of law raised regarding the legality of the cancellation of bail in light of the Apex Court's ruling, I am convinced that a limited interim protection is warranted to enable the petitioner to approach the Trial Court for appropriate relief.
5. Accordingly, the operation of the Warrant of Arrest issued against the petitioner stands hereby stayed until 4th of November, 2025.

6. The petitioner is granted liberty to make a fresh application before the learned Trial Judge, 2nd Additional Sessions Judge, Alipore, South 24 Parganas, for recalling the warrant or for confirmation of the earlier bail status in view of the legal position cited.
7. It is made clear that the interim stay granted herein shall automatically stand vacated upon expiry of the said period, i.e., after 4th of November, 2025.
8. The application being CRR 4244 of 2025, is disposed of.

(Uday Kumar, J.)