

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 83 of 2026

Ajay Roy @ Raja
Vs.
The State of West Bengal and another

For the Petitioner	:	Mr. Jaydeep Kanta Bhowmik Mr. Sayantan Bhowmik Mr. Subham Kumar Ms. Jasmine Haque
For the State	:	Mr. A.S. Chakraborty Mr. Tapan Bhattacharjee
For the OP No.2	:	Ms. Priti Das
Last heard on	:	23.03.2026
Judgement delivered on	:	23.03.2026

Jay Sengupta, J. :

This is an application challenging the issuance of warrant of arrest against the petitioner in Sessions Case No.118 of 2018 pending before the learned Additional Sessions Judge, 2nd Court, Jalpaiguri arising out of Jalpaiguri Women Police Station Case No.95/2018 dated 31.08.2018.

Copy of a portion of the order dated 07.09.2018, as filed by the petitioner, is taken on record.

Report filed by the State is also taken on record.

Learned counsel for the petitioner submits that the petitioner was charged with an offence that he had entered into a physical relationship with the alleged victim on a promise to marry. The petitioner was earlier granted bail and was regularly attending the court till 2022. Due to some unforeseen circumstances, the petitioner could not appear before the trial court and a warrant of arrest was issued. Incidentally, thereafter the petitioner got married to the same alleged victim/de facto complainant. Reliance is placed on a copy of the marriage certificate annexed with the revisional application. The private parties were under the misconception that once they got married, the case would automatically discontinue. This prompted the petitioner not to take any step regarding the proceeding. Now, the petitioner wants to join the proceeding at the earliest.

Learned counsel for the de facto complainant supports such contention of the petitioner and submits that she has got married to the petitioner in the meantime. She also does not have any objection if the warrant of arrest issued against the petitioner is set aside so that he could surrender and pray for bail before the learned trial court.

Learned counsel for the State opposes the prayer for stay of warrant of arrest after such a long time.

It appears that there are certain very special circumstances in which the petitioner has moved this application. The petitioner and the alleged victim claim that during pendency of the impugned proceeding they got

married and the petitioner did not take further step as he thought that the impugned proceeding would automatically discontinue.

Considering the above and in the interest of justice, let the warrant of arrest issued against the petitioner remain stayed for a period of four weeks from this date.

The petitioner is directed to surrender before the learned trial court within such period of four weeks. In such event, the application for bail shall be considered by the learned court in accordance with law.

With these observations and directions, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)