

CRA 145 of 2010
With
CRAN 3 of 2022

In the matter of : Somjeet Das

..... Appellant

Mr. Sandipan Ganguly
Mr. Dipankar Dutta
Ms. Sweta Mukherjee
Ms. Mou Saha ...for the Appellant

Mr. Binoy Kr. Panda
Ms. Amita Gaur ...for the State

The matter is listed today under the heading “To Be Mentioned”.

Learned advocate for the appellant/petitioner moves the application being CRAN 3 of 2022 praying for an appropriate order for recalling the order dated 4.1.2022 and 2.2.2022 passed by this Bench in CRA 145 of 2010 and for directing release of the appellant/petitioner as he is now in correctional home and/or to pass any other order as may be deemed fit and proper. A copy of the application has been served upon the learned Public Prosecutor, High Court, Calcutta.

Learned advocate for the appellant/petitioner and learned advocates for the State as appearing in the cause title are present.

It is submitted by the learned advocate that the appellant has preferred this appeal against a judgment of conviction and sentence passed against him for offence under Section 498A. During the pendency of the appeal, the appellant could not take steps due to his suffering from psychiatric ailments. In support

of which documents have been annexed with the application but they are all subsequent to issuance of warrant of arrest. Learned advocate prayed for releasing the petitioner/appellant on bail and fix the appeal for hearing on priority basis.

Learned advocates for the State did not oppose the prayer and left it to the court to pass any order as deemed appropriate.

Having considered the submissions made by the learned advocates for both parties, it appears from the record that the appellant has evaded service of notice and did not participate in the appeal for several years. Due to such conduct the appeal remained pending. Finding no alternative warrant of arrest had to be issued against the appellant.

Since the appeal is pending and learned advocate for the appellant assures representation of the appellant in course of hearing, the appellant **(Somjeet Das)** be released on interim bail for six weeks upon furnishing bail bond of Rs. 5,000/- with two sureties of like amount or Rs. 2,500/- each, one of which should be local, to the satisfaction of learned Chief Judicial Magistrate, Howrah.

CRAN 3 of 2022 is disposed of.

Let a copy of this order be sent to the learned Chief Judicial Magistrate, Howrah for necessary compliance.

Let the appeal be listed for hearing on 19th April, 2022.

All parties are to act on the server copy of this order duly obtained from the official website of this Court.

(Ananda Kumar Mukherjee, J.)