

Via video conference

28.02.22

(S.R.)

Sl.24

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kotwali** Police Station Case No.1084 of 2021 dated 04/11/2021 under Sections 326/302/307/34 of the Indian Penal Code;

And

**In re: Swapna Ghosh @ Riya Pramanick @ Riya Debnath
... petitioner.**

Mr. Sumanta Das

... for the petitioner.

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner is at an advanced stage of pregnancy and her probable date of delivery is in the first week of March, 2022. She is languishing in custody for about 107 days and is not getting proper medical treatment. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner may not be necessary.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code. He further submits that the petitioner had an active involvement in the alleged offence.

Heard the learned advocates and considered the materials in the case diary.

In the present pandemic situation prayer for bail needs to be considered liberally. Such prayer may be granted unless custodial detention is absolutely essential. The petitioner has already suffered incarceration for about 107 days and she is at an advanced stage of

pregnancy and we have been informed that her probable date of delivery is in the first week of March, 2022. Considering such medical condition of the petitioner and since upon completion of investigation charge sheet has already been submitted, we are of the opinion that she may be enlarged on bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Krishnanagar, Nadia with a further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM(DB) No.174 of 2022 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)