

16.10.2020
Item no. 1
Ct.11
FB/G. S. Das

C.R.M. No.8157 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with C/W CBI/SPE/EO-IV/Kolkata Case No. RC-04/E/2018, dated September 26, 2018 under Section 406/420/120B of the Indian Penal Code arising out of Arambagh Police Station Case No. 138 dated March 04, 2014 under Sections 406/420/120B of the Indian Penal Code giving rise to G.R. Case No. 364 of 2014 wherein Charge Sheet has been submitted vide Charge Sheet No. 07 dated August 27, 2020 under Sections 120B of the Indian Penal Code read with Sections 409/420/471 of the Indian Penal Code and Sections 4/5/6 of the Prize Chits & Money Circulation Schemes (Banning) Act (R.C. 2252018E0004)

And

In the matter of:-

Sunita Saha

... Petitioner

Mr. Himanshu De

Mr. Navanil De

Mr. Rajeshar Chakraborty

.. for the petitioner

Mr. Y. J. Dastoor, ASG

Mr. Phiroze Edulji

..for the Union of India

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The fundamental point on which Learned Counsel for the petitioner prays for bail is the medical condition of the petitioner. It is submitted on the strength of the several documents annexed to the application that the petitioner is a 'stage-IV' cancer patient.

Mr. Dastoor, Learned Additional Solicitor General (ASG), points out that the petitioner has been arrested connected to a monetary scam which runs into several crores of rupees. There is no contemporary evidence of the medical condition of the petitioner as sought to be projected before this Court at the stage of hearing of this application and, no such prayer appears to have been made before the Learned Trial Court.

At this stage, this Court only permits the petitioner to move an appropriate application before the Learned Trial Court for her medical examination.

Considering the condition of the petitioner, as pleaded, the medical examination shall be conducted in accordance with the law under orders of the Learned Trial Court as expeditiously as possible

The prayer for bail, at this stage, stands rejected.

It will be open to the petitioner to renew the prayer for bail, if and as advised, depending on the medical report emerging from the orders of the Learned Trial Court.

CRM 8157 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order if applied, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)