

01.03.2021

Court No.28
rpan / **46**

CRM 670 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Kabita Dubey**

Petitioner

Mr. Sandipan Ganguly,
Mr. Arindam Dey,
Mr. Amit Pan

For the Petitioner.

Mr. Neguive Ahmed,
Ms. Trina Mitra

For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Howrah Police Station Case No. 219 of 2020 dated 26.06.2020 under Sections 302/120B/34 of the Indian Penal Code.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner is a lady of 42 years and has been falsely implicated. In the alleged incident, the petitioner herself was assaulted and she suffered injuries, as would be evident from the injury report of the Howrah District Hospital. A copy of the same, as produced, be kept on record.

He further submits that upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for more than 250 days, is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner, namely, **Kabita Dubey**, shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah.

The petitioner shall not leave the jurisdiction of Howrah Police Station, save and except for attending the Trial Court on the dates fixed for hearing.

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

With the aforesaid observations, the application for bail, being CRM No. 670 of 2021, is disposed of.

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

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)

