

10.06.2021
AJ.,ct 28
Sl no. 06

C.R.M. 1331 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 02.02.2021 in connection with a proceeding being special case no. 33/2016 (corresponding to S.I's S.L. No. 25/15-16 dated 19.01.2016) punishable under Sections 18(c)/8(b) of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : **Jyostna Bewa @ Jyotsna Mandal.** petitioner.

Mr. Mounick Ghosh. for the petitioner.

Mr. Saibal Baipuli, Ld. A.P.P.,
Ms. Faria Hossain,
Mr. Subrata Roy. ... for the State

This application for anticipatory bail has been filed apprehending arrest in connection with a proceeding being special case no. 33/2016 (corresponding to S.I's S.L. No. 25/15-16 dated 19.01.2016) punishable under Sections 18(c)/8(b) of the Narcotic Drugs and Psychotropic Substances Act.

Counsel for the petitioner submits that the petitioner is 81 years old and charge sheet has already been filed.

Having considered the entire case diary and the evidence on record even assuming for the sake of argument that there is a very strong case made out against the petitioner, this Court is persuaded by the fact that the petitioner is 81 years old and in the current pandemic situation her continued incarceration pending trial may not be appropriate. This Court is of the opinion that the petitioner has been able to make out a case for relief under Section 438 of the Code of Criminal Procedure.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of the Code of Criminal Procedure, 1973 and upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the concerned Court below, subject to the condition that the petitioner shall appear before the Trial Court on every date

of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the concerned Court except for the purpose of attending the court proceedings and shall provide the address where she shall reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction she shall reside once in a week until further orders. The petitioner shall surrender her passport to the Court below and if she does not possess a passport, shall submit an affidavit to that effect before the Court below.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this court.

The application for anticipatory bail being CRM 1331 of 2021 is, thus, allowed.

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

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)