

65. 16.09.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4309 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **24/06/2021** arising out of **Swarupnagar Police Station Case No. 608/2019** dated **20/08/2019** under Sections **341/328** of the Indian Penal Code adding Sections **307/302** of the Indian Penal Code.

And

In the matter of: - **Alpana Ghosh**

....petitioner.

Mr. Kallol Kumar Basu,
Md. Jannt Ul Firdous

...for the petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Soumik Ganguli

...for the State.

The allegation is that the petitioner administered poison on the victim who was a neighbour.

The post mortem report was not conclusive. On the last occasion, i.e., on August 24, 2021, we had adjourned the matter recording our expectation that the F.S.L. report would be available by the adjourned date.

Today, the F.S.L. report has been produced. No poison could be detected in the viscera of the victim. Let the report be kept with the record.

In view of the aforesaid and on an overall assessment of the material in the Case Diary and considering the fact that the petitioner who is a 75 years old lady, has been in custody for 755 days and there is no possibility of an early conclusion of the trial which has not yet started, we are inclined to allow the petitioner's application for bail.

Accordingly, we direct that the petitioner *viz.*, **Alpana Ghosh** 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 learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall not leave the district without leave of the concerned Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 4309 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)