

12.09.2022.
Court No.13
Item No. 8
ap

W.P.A. No. 6929 of 2022
With
I.A. No. CAN 1 of 2022

Salema Bibi
Versus
The State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Mr. Sunny Nandy,
Mr. Subha Pathak.

...For the petitioner.

Ms. Amrita Panja Moulick.

...For the State.

Supplementary affidavit filed in Court today be
taken on record.

In Re: CAN 1 of 2022

CAN 1 of 2022 has been filed by the petitioner
seeking relaxation of conditions of bail to permit her
husband, who is an accused in a NDPS Case to go to
Manipal, Karnataka, for surgery.

It appears from the records that bail was initially
granted by this Court on 17th May, 2022 since there
was prima facie evidence of the petitioner suffering
custodial torture.

Counsel for the State produces instructions of
the Sub-Divisional Police Officer, Lalbagh,
Murshidabad P.D. dated 10th September, 2022 and
report of Superintendent of Police, Murshidabad Police
District dated 13th June, 2022.

The report of Sub-Divisional Police Officer, Lalbagh, Murshidabad P.D. dated 10th September, 2022 indicates that the petitioner and her husband, are not residing at their original place of residence and Lalbagh Police Station GDE Nos. 450 and 453 dated 8th September, 2022 under Sections 21(c) and 29 of the N.D.P.S. Act has been filed.

The accused person shall be served a copy of the charge-sheet.

Having considered the submissions of the petitioner and the State, this Court is of the view that all and every term of bail and the bail itself shall now be within the jurisdiction and domain of the concerned Court before whom the charge-sheet has been filed or the Court where committal is made.

The Magistrate and/or concerned Court shall be at exclusive liberty to modify, alter and also if necessary cancel the bail in question without any further reference to this Court.

Needless to mention that any decision for the purpose of enlarging the petitioner for surgery shall also betaken by the concerned Court strictly in accordance with the applicable Rules and Laws.

It is expected that the charge-sheet is put to committal and the trial commences expeditiously and is disposed of within the time frame stipulated under the N.D.P.S. Act.

With the aforesaid observations, the application being CAN 1 of 2022 shall stand disposed of.

In Re: W.P.A. No. 6929 of 2022

On the question of custodial torture, this Court has noticed the report of the Superintendent of Police, Murshidabad Police District, who appear to have found that there was no custodial torture on the petitioner.

This appears to be contrary to the findings of the C.M.O.H., Murshidabad and the learned Additional District Judge, 2nd Court, Murshidabad, who was directed to conduct an enquiry.

Since the petitioner is now hale and hearty and charge-sheet has been filed, this Court is not inclined to enter further into the issue.

In view of the above observations, nothing further remains to be decided in this writ petition.

Hence, the instant writ petition shall also stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)