

CRM 3615 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Firoja @ Phiroja @ Phiroja Bibi**
..... petitioner

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee

.....For the petitioner

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

.....For the State

Apprehending arrest in connection with Special Case No. 9/16 under Section 18C of the N.D.P.S. Act, the present application has been preferred.

Mr. Souvik Das, learned advocate appearing for the petitioner submits that the petitioner is an aged lady of 71 years. Pursuant to earlier direction of this Court, she cooperated with the investigation and met with the concerned officer, as directed. Upon completion of investigation, charge sheet has also been submitted and as such, custodial detention of the petitioner may not be necessary.

Mr. Bardhan, learned advocate appearing for the State, however, disputes the contention of the petitioner and submits that she is the owner of the concerned land and she could not establish that the possession of the land was

handed over to one Torabdi Miya. The petitioner had been absconding for a substantial period of time and in view of such conduct, she is not entitled to the relief, as prayed for. Answering our query, Mr. Bardhan, however, submits that no proclamation has been issued against the petitioner.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that poppy plants were uprooted and destroyed. Considering the nature of allegations and the age of the petitioner, we are of the opinion that her custodial interrogation is not necessary, moreso when upon completion of investigation charge sheet has already been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Firoja @ Phiroja @ Phiroja Bibi** 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 the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. She shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below 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 3615 of 2021, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)