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29-01-2025
(ct. no.29)
debajyoti

CRM (DB) 2703 of 2022
+
I.A. No:CRAN/1/2024

In re: An application for relaxation of the conditions of bail.

- A n d -

In the matter of : Rupali Sarkar

.... Applicant.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.,
Ms. Jayashree Patra,
Ms. Sreeparna Ghosh

... For the Applicant.

Mr. Saryati Dutta,
Ms. Trisha Rakshit

... For the State.

Mr. Pintu Karar,
Mr. Akashdeep Mukherjee,
Mr. Soummyadeep Nag,
Ms. Soumali Das

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The present applicant, Rupali Sarkar, had been initially granted bail by the learned trial Court. Thereafter on the application of the defacto complainant being one Annu Das, the bail was cancelled. Subsequently, bail was again granted to the present applicant by the learned trial Court. That bail order was again challenged by the defacto complainant before this Court by filing CRM (DB) 2703 of 2022.

2. A coordinate Bench, by an order dated November 14, 2022, instead of cancelling the bail, imposed certain conditions on the present applicant. The applicant was restrained from entering the jurisdiction of Belgharia Police Station except for the purpose of attending the court

proceedings; she was directed to provide the address where she shall presently reside to the Officer-in-Charge of Belgharia Police Station and the court below and she was directed to report to the Officer-in-Charge of the police station concerned within whose jurisdiction she shall presently reside, once in a week until further orders.

3. The applicant says that she has been complying with the aforesaid conditions scrupulously. She has annexed documents to the present application for relaxation of conditions of bail in support of her contention.

4. Learned State advocate says that insofar as his instruction goes, there is nothing adverse as regards the present applicant regarding compliance with the conditions of bail.

5. Learned advocate for the defacto complainant, Annu Das, says that service has not been effected on his client. However, from the Affidavit-of-Service filed in Court today, we find that Annu Das has been served. The track report of India Post has been annexed to the Affidavit-of-Service.

6. Considering that the applicant has been adhering to the bail conditions for the last two years two months, and also that charge is yet to be framed and there is little possibility of an early conclusion of the trial, we are inclined to allow the applicant's prayer, since there is no progress in the trial.

7. Accordingly, the condition restraining the applicant from entering the jurisdiction of Belgharia Police Station and the condition of reporting to the Officer-in-Charge of the concerned police station stand waived. The applicant shall attend each and every date of hearing before the learned trial Court subject to the provisions of Section 317 of the Code of Criminal Procedure (corresponding to Section 355 of the

BNSS, 2023). All other conditions of bail shall remain unaltered.

8. The application being CRAN 1 of 2024 is, thus, disposed of.

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

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)