

30.09.2022
Sl.No. 12-16
Ct. 03
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (DB) 3385 of 2022
Shubhika Surana
Vs.
State of West Bengal

With
CRM (DB) 3355 of 2022
Shubhika Surana
Vs.
State of West Bengal

With
CRM (DB) 3326 of 2022
Shubhika Surana
Vs.
State of West Bengal

With
CRM (DB) 3386 of 2022
Shubhika Surana
Vs.
State of West Bengal

With
CRM (DB) 3331 of 2022
Shubhika Surana
Vs.
State of West Bengal

In Re: An application for bail under Section 439 of the Code
of Criminal Procedure, 1973.

In Re: Shubhika Surana ...Petitioner (In Jail)

Mr. Kalyan Bandhapadhyay, Sr. Adv.
Mr. Ayan Bhattacharya
Mr. Somopriyo Choudhury
Mr. Kausik De
Mr. Abhijeet Chowdhury
Ms. Mohini Majumdar
Ms. Kriti Malhotra
Mr. Raghav Munshi

Mr. Aditya Tewari
Mr. Roshan Pathak

... for the petitioner

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Sakya Sen, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Soumabho Ghosh
Mr. Chayan Gupta
Mr. B Bhattacharya
Mr. Karan Bapuli

...for the defacto-complainant

Mr. Neguive Ahmed
Ms. Trina Mitra

..... for the State

Mr. Ranabir Ray Chowdhury
Mr. Mainak Gupta

...for the State in
CRM (DB) 3326 of 2022,
CRM (DB) 3386 of 2022

On 22nd September, 2022 we had passed the following order in CRM (DB) 3187 of 2022, Shubhika Surana Vs. State of West Bengal:

“The incident occurred between 2015-2017. The petitioner and her family members are accused of duping the de-facto complainant into making investments and then mis-appropriating the fund. At the time of the alleged incident, the petitioner was admittedly 18 years of age. Now, she is about 26 years.

The criminal case was started in the year 2020 and charge-sheet was filed on 14th July, 2022.

The father of the petitioner is stated to be in custody from April, 2022.

Learned counsel for the State submits that the petitioner was absconding and could only be arrested from Jaipur, Rajasthan on 27th July, 2022.

We have considered the time of the alleged incident, i.e. 2015-2017. We have taken into account the age of the petitioner at the time of the alleged incident which was only 18 years. She is a female and at that time was pursuing her education in school. A substantial, if not the entire investigation of the case, appears to have been made and charge-sheet filed on 14th July, 2022.

Therefore, in our opinion, Mr. Bandyopadhyay, learned senior advocate for the petitioner has been able to make out a good case for release of the petitioner on bail.

However, learned advocate for the State submits that since the petitioner was absconding and could only be arrested on 27th July, 2022 and the investigation was being made into her involvement in the crime, they propose to file a supplementary charge-sheet.

Taking all circumstances into account, we grant the opposite party State time to complete the custodial investigation by 30th September, 2022 after which the petitioner shall automatically be released on bail on the following terms:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, 3rd Court, Alipore on the following conditions:

1. The petitioner shall deposit her passport, if she has any, with the investigating officer,
2. She shall report before the said officer as and when summoned,
3. The petitioner shall not leave the limits of city of Kolkata without informing the I.C.,

4. She shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever,

5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 3187 of 2022] is, accordingly, disposed of.”

In these applications, the accused is the same. The offence complained of is allegedly part of the same chain of events on which the above criminal case was started. The facts are similar.

In those circumstances, we grant the opposite party State time to complete the custodial investigation of the petitioner by 31st October, 2022 after which the petitioner in each of the applications shall automatically be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties each of like amount, one of whom must be local, to the satisfaction of the learned Additional District and Sessions 3rd Court at Alipore, South 24 Parganas, subject to the conditions:

1. The petitioner shall deposit her passport, if she has any, with the investigating officer within three days from date,
2. She shall meet the investigating officer as and when summoned and also to cooperate in any further investigation.

3. She shall not leave the limits of Kolkata/Delhi without informing the investigating officer.
4. She shall not tamper with evidence or interfere with the witnesses in any manner.
5. The petitioner shall attend the court on each and every day of trial, in default the court shall be at liberty to cancel her bail bond in accordance with law without further reference of this court.

The applications for bail (CRM (DB) 3385 of 2022, CRM (DB) 3355 of 2022, CRM (DB) 3326 of 2022, CRM (DB) 3386 of 2022 and CRM (DB) 3331 of 2022) are disposed of.

(Biswaroop Chowdhury, J.)

(I.P. Mukerji, J.)