

24.08.2023.
37.
Ct.No.28.
as

C.R.M. (DB) 187 of 2023
with
CRAN 2 of 2023

In Re: An application for relaxation of condition of bail under Section 439(1)(b) of the Code of Criminal Procedure.

In the matter of : Prabha Surana.

... Petitioner.

Mr. Ayan Bhattacharyya,
Mr. Abhijit Chowdhury,
Mr. Aditya Ratan Tiwari.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Neguive Ahmed, ld. A.P.P.,
Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty,
Ms. Amita Gaur,
Ms. Ayantika Roy.

...for the State.

1. Learned Advocate for the petitioner submits his client is suffering from Cancer and requires medical attention. Medical institutions where his client intends to receive treatment are outside the municipal limits of Kolkata. He also seeks leave that his client may be permitted to be represented before the trial court through his lawyer under Section 317 of the Code of Criminal Procedure for medical reasons. Accordingly, he prays for modification of conditions of bail.

2. Learned Additional Public Prosecutor submits report.

3. We have considered the materials on record including the report. Annexures to the application for relaxation as well as the report indicate petitioner is suffering from Cancer. She is under medical treatment. It is contended petitioner intends to get

herself treated at specialised hospitals in other States like Delhi, Mumbai, Chennai, Bangalore as well as at Tata Medical Centre, Kolkata which are situated outside the municipal limits of Kolkata.

4. In view of medical condition of the petitioner and the fact that the hospitals where she intends to be treated is outside the municipal limits of Kolkata, we modify the conditions of bail as follows:-

- a) Petitioner shall be permitted to go out of the municipal limits of Kolkata for medical treatment only;
- b) In the event she is unwell, she would be at liberty to be represented by her lawyer under Section 317 of the Code of Criminal Procedure subject to submission of necessary medical papers in support of such plea. No unnecessary adjournments shall be given to her on this score.

5. Other conditions of bail shall continue.

6. With these modifications CRAN 2 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)