

25.09.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 3709 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2023 in connection with Bolpur Police Station Case No.346 dated 18.09.2021 under Sections 406/420/413/419 of the Indian Penal Code read with Sections 66/66C/66D/71 of the Information Technology Act, 2000. (G.R. Case No.1154 of 2021)

And

In Re: ***Sreeparna Sadhukhan***

... .. Petitioner

Mr. Shovan Ghosh
Mrs. Chirantani Ghosh

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for over 600 days. Co-accused have been enlarged on bail. There is no possibility of trial concluding in the near future. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits delay was engineered at the behest of the petitioner.
3. We have considered the materials on record. Petitioner is in custody for over 600 days. Though we have noted that some part of the delay was due to deferment of cross-examination sought by the petitioner, there is little possibility of trial concluding in the near future. None of the offences would attract mandatory life imprisonment. Co-accused have been enlarged on bail.
4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and she may be enlarged on bail however, subject to strict conditions.

5. Therefore, the accused/petitioner, namely ***Sreeparna Sadhukhan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, Bolpur, Birbhum subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Gobardanga Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Gobardanga Police Station once in a week until further orders.
6. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)