

15.06.2023

Ct.No. 1

Item No. 64

Saswata

Allowed

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

C.R.M. (DB) 273 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Siliguri PS case no. 1247 of 2021 dated 16.10.2021 under Sections 21(c)/22(c) of the NDPS Act, 1985.

And

In the matter of : **Rajeshwari Modlier**

...petitioner

Mr. Anirban Baerjee
Ms. Matan Chakraborty

...For the petitioner

Mr. Saikat Chatterjee
Mr. Chattu Roy

....For the State

1. Considering the medical report submitted by the Medical Officer, Siliguri Special Correctional Home, stating “the female patient UTP is suffering IHD (Ischemic Heart Disease) with severe Left Ventricular Systolic Dysfunction and Mitral Valve Regurgitation. She has been graded to be NYHA (New York Heart Association) Grade III. The ECG test findings have been noted to be Left Bundle Branch Block. The Echocardiography findings have been notice to be ICM (Ischemic Cardio-Myopathy) and her Election Fraction is 43%. The HOD, Department of Cardiology , North Bengal Medical College & Hospital has further noted his observation in the OPD Ticket that the patient is unable to walk without aid, independently.”, we are of the view that the petitioner is required to be released on bail.

2. Accordingly, the prayer for bail of the petitioner is **allowed** on the following conditions.

- i. We direct the petitioner to be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local to the satisfaction of Learned Judge, Special Court under NDPS Act, Siliguri.
- ii. The petitioner shall appear before the Trial Court on the dates to be fixed, subject to her health condition permitting.
- iii. The petitioner shall not intimidate the witnesses and tamper with the evidence in any manner whatsoever.
- iv. In the event of non-compliance of any of the conditions enshrined above, the bail shall stand automatically cancelled without further reference to this Court.

3. CRM (DB) 273 of 2023 is, accordingly, **disposed of**.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)

