

15. 06.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 368 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Malbazar Police Station Case No. 253 of 2023** dated **14.04.2023** under Sections **406/120B** of the Indian Penal Code, 1860, read with Sections **81/75** of Juvenile Justice Care & Protection Act and read with Sections **468/370(4)** of the Indian Penal Code.

And

In the matter of: - **Indu Devi Singh**

...petitioner.

Mr. Subhankar Dutta, Adv.

...for the petitioner.

Mr. Kallol Acharjee, Adv.,

Mr. Biswaroop Roy, Adv.

...for the State.

The allegation against the petitioner is that she helped the principal accused to sell her newly born baby.

The petitioner says that she is an *ASHA Karmi* and she has no involvement in the alleged incident. She only arranged for a private vehicle to take the principal accused, namely, Suchitra Hawladar, to the hospital for delivering the baby. She says that she is in custody for eighty one days. Investigation has progressed substantially.

We have seen the material in the case diary including the statement of the mother-in-law of the principal accused recorded under Section 161 of the Code of Criminal Procedure, 1973.

Considering the material on record and that the petitioner has been in custody for eighty one days and also considering the possible extent of her complicity in the alleged crime, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Indu Devi Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, on condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not leave the district without leave of the Investigating Officer. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 368 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)