

14.08.2024
Item no.03.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 356 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Jagaddal Police Station Case No. 389 of 2023 dated 17.09.2023 under Sections 364/302/201/204/120B/34 of the Indian Penal Code.
And

In the matter of : Susmita Ray @ Susmita Debjyoti

Roy @ Susmita Roy.

.....Petitioner.

Mr. Anirban Dutta,
Mr. Sutirtha Chatterjee,
Mr. Ayan Mondal,for the Petitioner.

Mr. Madhusudan Sur, Ld. APP,
Ms. Subhasree Patel,for the State.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioner that considering the period of detention and also considering the fact that the present accused petitioner has recently given birth to a child, the instant application for bail may be considered favourably.
2. Prayer for bail has been opposed on behalf of the State.
3. Attention of ours is drawn to various materials in the case diary including a statement of a witness who

happens to be the son of the present accused petitioner.

4. Admittedly, we find, there are sufficient incriminating materials as against the present accused petitioner. However, considering the fact that investigation has already been completed and also keeping in mind that it is not a fit case for custodial trial, especially when the present accused petitioner is the mother of a one month baby, we are inclined to allow the prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Susmita Ray @ Susmita Debjyoti Roy @ Susmita Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore at North 24-Parganas on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without 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.

7. The application for bail is, accordingly, allowed.
8. One paper has also been placed before us that JNM Hospital, Kalyani, Nadia suspected the present accused petitioner is suffering from breast cancer. Let the photocopy of the OPD ticket in the name of the present accused petitioner be taken on record.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)