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07-10-2024
(ct. no.28)
S. De
(Allowed)

CRM (DB) 2640 of 2024

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Ausgram Police Station Case No. 09 of 2024** dated **07.01.2024**, under **Sections 395/397/412** of the Indian Penal Code.

- A n d -

In the matter of : Kabita Saha.

.... petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Jyotirmoy Talukder,

... For the petitioner.

Mr. Sumon De,
Mr. Santanu Deb Roy,

... For the State.

Order dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner has been implicated on the basis of the statement of a co-accused. No incriminating article has been recovered from her. Investigation is complete. The petitioner may be enlarged on bail on any condition.
2. Learned counsel for the State opposes the prayer for bail.
3. We have considered the material-on-record and it appears that there is no such incriminating material against this petitioner as would justify her continued detention in judicial custody.
4. The petitioner is a lady and has already been in custody for 205 days.
5. Accordingly, we direct that the petitioner, namely, **Kabita Saha** 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 Chief Judicial Magistrate, Purba Bardhaman and on further conditions that she shall not leave the jurisdiction of the concerned police station.

6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)