

26.11.2024
SL No.48
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 627 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **21.11.2024** in connection with **Rajganj** P.S. Case No. **20/2021** dated **16.01.2021** under Sections 498A/307 of the Indian Penal Code read with Sections 3 and 4 of Dowry Prohibition Act and adding Section 302 of the Indian Penal Code.

And

In the matter of: **Sumitra Roy @ Sunita Roy**

....Petitioner

Mr. Joydeep Kanta Bhowmik,
Ms. Debi Sarkar,
Ms. Jasmin Haque,
Ms. Moumita Shome

...for the Petitioner

Mr. Ujjwal Luksom,
Mr. Subhasish Misra

...for the State

The petitioner prays for grant of bail on the ground of prolonged incarceration and parity with Hemanta Roy, who is allegedly the principal accused and husband of the petitioner. Hemanta Roy has been granted bail by an order dated November 14, 2024.

Learned Advocate for the State opposes such prayers and submits that the petitioner is not on the same footing.

We have perused the materials and we find that the petitioner stands in the same footing as Hemanta Roy. Moreover, the charges are yet to be framed. There are 25

witnesses cited in the charge-sheet. There is no scope for early conclusion of the trial.

Under such circumstances, on the ground of parity and also on the ground that the delay in progress of the trial would be antithetic to the right guaranteed under Article 21 of the Constitution of India, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Sessions Judge, 3rd Court, Jalpaiguri, and on further conditions that the petitioner shall not leave the territorial jurisdiction of the trial court during entire period of trial and shall attend court on each and every date. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)