

CRM (DB) 4202 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Katwa Police Station** Case No. **206 of 2007** dated **29.07.2007** under Sections **363/366/367/370/34/120B** of the Indian Penal Code.

- A n d -

In the matter of : Parbati Pal @ Parboti Pal @ Parbati Mandal @ Paravti Mandal @ Parboti Mondal

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Rajashree Tah,
Ms. Trisha Rakshit,
Ms. A. Dutta,
Ms. Bidisha Chakraborty,

... For the Petitioner.

Mr. Kunal Ganguly,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Medical report as regards the health condition of the petitioner filed by the State be kept with the records.
2. Learned Advocate for the petitioner submits that the petitioner is in custody for 147 days. The victim during her deposition has exonerated the present petitioner. Therefore, the prosecution will not be able to prove the charge against the present petitioner in accordance with law. As such the petitioner may be granted bail on any condition.
3. Learned State Advocate opposes the bail prayer. He says that the petitioner absconded for 17 years and if she is enlarged on bail, she may again abscond.
4. We have considered the materials on record including the deposition of the alleged victim lady who has specifically stated that she went to Delhi on her own wish and she had no knowledge

about the filing of the instant case at the instance of her husband.

The victim lady has been declared hostile by the prosecution.

5. In view of such materials on record, we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Parbati Pal @ Parboti Pal @ Parbati Mandal @ Paravti Mandal @ Parboti Mondal**, 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 Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the learned Trial Court without prior permission and shall remain within the jurisdiction of Katwa Police Station until further orders.

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.)**