

10.04.2025
Item no. 9.
Court No.4.
AB
(Allowed)

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

CRM (DB) 198 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police Station Case No.1041 of 2024 Dated 08.11.2024 under Section 103 of the B.N.S. 2023

And

In the matter of : Smt. Pritika Sunar Portel

.....Petitioner.

Mr. Pratap Khati,
Mr. Subhankar Duttafor the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Sourav Gangulyfor the State.

1. Learned Advocate for the petitioner and learned Advocate for the Opposite Party/State of West Bengal are present.
2. Heard Learned Advocates for the parties.
3. Perused the materials in the case diary.
4. Learned Advocate for the petitioner submits that the petitioner is in custody for 140 days and she is not involved in the instant case. It is further submitted that the petitioner is a pregnant lady and her prayer for bail be considered on humanitarian ground.
5. Learned Advocate for the Opposite Party/State of West Bengal objects the grant of bail on merits but with

regard to the petitioner's pregnancy and grant of bail, he leaves the matter to the discretion of the Court.

6. Report filed by the concerned Correctional Home is perused.
7. Upon considering the nature of offence, although it is a heinous offence, but upon perusal of the materials in the case diary, it appears that one co-accused person was granted bail and the prayer for another co-accused person was rejected. It is thus necessary to consider as to whether the prayer for bail made by the petitioner should be allowed.
8. In order to decide as to whether the accused petitioner should be granted bail, it is necessary to consider judicial pronouncements where it is laid down that the factors to be taken into consideration while granting bail are the nature and severity of the offence, the evidence as appearing, the chance of abscondance, if released on bail, and repetition of the offence and tampering of witnesses.
9. In the instant case, although there are allegations against the petitioner, but considering that the petitioner is a pregnant lady as per the report of the Jalpaiguri Central Correctional Home and considering her period of detention and the fact that the case involves examination of 42 witnesses and the trial may not be completed within a short period of time, in the

interest of justice, the petitioner should be granted bail on humanitarian ground.

10. Thus, the prayer for bail made by the petitioner is allowed.
11. Accordingly, the petitioner, namely **SMT. PRITIKA SUNAR PORTEL** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/-each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, and on further conditions that the petitioner upon being released on bail shall not leave the jurisdiction of the learned Trial Court without the leave of the Court and shall not contact the witnesses of the case and shall give her mobile number to the concerned Police Station.
12. The petitioner shall appear before the trial court on every date of hearing until further orders unless there are exceptional circumstances 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.
13. 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.

14. The application for bail is, accordingly, allowed.
15. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)