

Crl. Misc. Case No. 371 of 2017

Order No. 04 dated 17.08.2017

Today is fixed for hearing over the application u/s 438 of the Cr.P.C filed by the petitioner namely Neesha Begum @ Nisha apprehending arrest in connection with Amherst Street P.S. case No. 106 dated 30.03.2016 under Section 401A of the K.M.C Act and prays for anticipatory bail.

The criminal misc. case is taken up for hearing.

Ld. P.P on behalf of the State is present with C.D.

Ld. Advocate for the petitioner is also present.

Ld. Advocate for the petitioner submits that the petitioner is going the construction work as per sanctioned plan. It is also submitted by the Ld. Advocate for the petitioner that C.S has already been submitted in this case and there is no need for custodial interrogation of the present petitioner. It is the further submission of the Ld. Advocate for the petitioner that the present petitioner is a woman and as such her custodial interrogation is no more required.

Ld. P.P opposes the prayer for bail and draws my attention as regards some photographs of the construction work lying in the C.D and submits that the petitioner has violated the terms and conditions of the sanctioned plan and as such the prayer of the present petitioner should not be allowed.

I have considered the submission made by both sides.

I have perused the materials on C.D, I find that in this case C.S has already been submitted and investigation part is over. I also find that the present petitioner is a woman.

Considering this aspect, I think that if the prayer of the present petitioner be allowed then the prosecution will not be prejudiced in any manner.

In such a view, the prayer of the present petitioner be allowed.

In the event of arrest, the present petitioner Neesha Begum @ Nisha may be released on bail of Rs. 2,000/- subject to the satisfaction of the arresting officer with usual terms and conditions as embodied u/s 438(2) of the Cr.P.C.

The instant criminal misc. case is thus disposed of.

C.D be returned.

LCR be returned alongwith a copy of the order.

D & C by me

Addl. Dist & Sessions Judge,
Bench – I (NDPS Act)
City Sessions Court, Calcutta

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