

Order dated:22-04-2024

The accused persons namely Sunita Devi Singh and Santosh Kumar Singh have been produced today under arrest on strength of a W/A issued by this Court on 05-03-2024.

Seen the forwarding report, W/A, arrest memo, inspection memo and the medical document.

Bail petition along with fresh Vakalatnama have been filed on behalf of the above named accused persons.

Ld lawyer for the accused person submitted that warrant of arrest has been issued against the accused persons for no fault of their own as there has been miscommunication of dates with the accused persons and the accused persons did not appear when the W/A was issued against the accused persons. It was further argued that further detention is no longer required and the accused persons may be enlarged on bail on any condition.

Ld Special P.P-in-charge raised objection to such prayer.

Meticulously introspected the case record.

I have traversed the entire gamut of this case and after such exercise I find that confinement of the accused persons in judicial custody is not an indispensable necessity for unhindered trial of this case, especially when W/A in respect of other accused person is pending and there is remote possibility of conclusion of trial on an early date. There is no material to conclude that the accused persons have propensity to win over the witnesses or tamper with the evidence if released on bail. It is apposite to delineate that it is sanctified position of law that detention in custody of under-trial prisoners for an indefinite period amounts to violation of Article 21 of the Constitution, as highlighted in *Sanjay Chandra vs. Central Bureau of Investigation, (2012) 1 SCC 40 and followed in Manoranjana Sinh @ Gupta [Criminal Appeal No. 240 of 2017]*. It is also pertinent to add that detention at this stage is not punitive. Hence based on the above delineations the prayer for bail stands allowed. The accused persons namely Sunita Devi Singh and Santosh Kumar Singh may find interim bail on furnishing bond of Rs. 2,000/- each with two sureties of Rs. 1000/- each i/d to J/C, other than the previous surety to the satisfaction of Ld. Chief Judicial Magistrate, South 24 parganas at Alipore. If on bail the accused persons shall stay present on each and every subsequent dates.

To date i.e. on 29-04-2024 for appearance and further order. The accused persons are directed to stay present on the date fixed.

The I.O is directed to inform the de facto complainant about this order and the de facto complainant must also be informed about right to challenge the bail offered to the accused persons.

The Lock-up-in-Charge, Kolkata is directed to release the accused persons at once.

Typed to the dictation directly;

corrected on the system.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
1st Court, Alipore,
South 24 parganas.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
1st Court, Alipore,
South 24 parganas.

Present: Subhra Som Ghosal
J.O Code: WB00984
CNR No: WBSP010181742015
Special Case No: 01 of 2015/R-100/2015