

(2021) 08 OHC CK 0040
In the Orissa High Court
Case No : Bail Application No. 1077 Of 2021

Shubhra Kundu

APPELLANT

Vs

Republic of India (C.B.I)

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Citation : (2021) 08 OHC CK 0040

Hon'ble Judges : S. K. Sahoo, J

Bench : Single Bench

Advocate : Manas Mohapatra, Sarthak Nayak

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

I.A. No.497 of 2021

This matter is taken up through Hybrid Arrangement (Video Conferencing/ Physical Mode).

This is an application for interim bail filed by the petitioner Shubhra Kundu.

Mr. Manas Mohapatra, learned Senior Advocate appearing for the petitioner submitted that the petitioner is in judicial custody since 15.01.2021 and

her husband is also in judicial custody since last six years and the minor child of the petitioner, namely, Adrija Kundu, aged about eight years is now in

the custody of one Depankar Pal, who happens to be a distant relative of the petitioner and the said Dipankar Pal has now got some personal

difficulties for which he is not in a position to take care of the minor daughter of the petitioner. He further submitted that the mother-in-law of the

petitioner, namely, Biva Kundu is suffering from uterus cancer and she has been advised for taking chemo and radiation and she is in a complete

bedridden condition and there is nobody in the family to take care of the old ailing mother-in-law and the minor child of the petitioner for which they have been highly neglected. He further submitted that due to spread of COVID-19 in overcrowded prison where there is lack of proper sanitization, hygiene and medical facilities, the petitioner was infected with COVID-19 Virus and therefore, the interim bail application may be favourably considered. Some medical documents have been annexed to the interim application.

Mr. Sarthak Nayak, learned Special Public Prosecutor appearing for the Republic of India filed an affidavit of the Deputy Superintendent of Police,

C.B.I., E.O.-IV, Kolkata wherein it is mentioned that the son of the petitioner, namely, Chirantan Kundu is major and he is capable of taking care of

his minor sister. It is further mentioned that Smt. Biva Kundu, the mother-in-law of the petitioner was hospitalized in M/s. Tata Medical Centre. In the

affidavit, a certificate issued by the Medical Officer, Jail Hospital, Bhubaneswar has been annexed which indicates that the petitioner was tested

COVID-19 positive on 18.05.2021 and she was kept isolated inside the jail under medications as per the COVID-19 guidelines of BMC, Bhubaneswar

and she was discharged on 03.06.2021 after completion of seventeen days isolation period and she is now completely alright and healthier and doing

her daily activities. It is further mentioned in the affidavit that as per the instruction of the petitioner, her son Chirantan Kundu had changed the

password of the e-mail account of the petitioner and deleted all the e-mails (other than commercial messages) and this fact came into fore when on

getting permission of the Court of learned Special Judge, C.B.I.-I, Bhubaneswar, the e-mail account of the petitioner was verified. It is argued that she

had got two PAN cards and there is every possibility that she would flee away from justice in case she is released on interim bail.

Considering the submissions made by the learned counsel for the respective parties, the grounds taken in the interim application, the health condition of

the mother-in-law and the condition of the minor child of the petitioner at present and on humanitarian ground, I am inclined to release the petitioner on

interim bail for a period of two weeks from the date of release and

the petitioner shall surrender before the learned trial Court immediately on the expiry of two weeks period.

Let the petitioner be released on interim bail for the aforesaid period in connection with CBI/SCB/SIT/Kolkata P.S. Case No.RC 39(s) of 2014

corresponding to T.R. Case No.04 of 2017 pending before the learned Special Judge, C.B.I.-I, Bhubaneswar on furnishing bail bond of Rs.5,00,000/-

(rupees five lakhs) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms

and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not try to come in

contact with any of the prosecution witnesses and shall not try to tamper with the evidence. The Inspector in-charge of the concerned police station

where the petitioner would stay shall keep vigil over the activities of the petitioner during the period of interim bail. At the time of furnishing bail bond,

the petitioner shall furnish the details her place of abode and her contact number to the Court. The Public Prosecutor shall intimate the same to the

I.I.C. of the concerned police station to do the needful.

Violation of any terms and conditions shall entail cancellation of interim bail.

I.A. is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

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Â List this matter on in the week commencing from 06.09.2021. Learned counsel for the petitioner shall produce the surrender certificate of the

petitioner on the next date.

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