

08.10.2020
SL No.11
Court No.10
(sd)

**CRM 7493 of 2020
CRAN 1 of 2020**

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of: **Sabila Bibi @ Priya Bibi**

....Petitioner.

Mr. S. Das Mahapatra

...for the Petitioner.

Mr. S.G. Mukherjee

Mr. Aniket Mitra

..For the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

The application for bail of the applicant was rejected at least ten times before different Courts. The petitioner is sister in law.

The learned counsel appearing for the petitioner submits that during trial, the petitioner has come across a dying declaration duly cancelled in which the victim has exonerated the petitioner. It is submitted that this document could not have been before the earlier Benches as it happened after the last order of rejection on 1st October 2019. The petitioner has referred to the evidence of the doctor dated 6th December 2019 and has relied upon a decision of the Hon'ble Supreme Court in Jabir Singh vs.

State reported at 2019 (1)AICLR 390 SC Para 31 in support of his submission.

The learned counsel appearing for the State, however, opposes the prayer for bail. It is submitted that the trial is at the fag end and the documents to show progress of the trial.

In view that the trial has substantially progressed and the evidence of the doctor has to be assessed by the trial court at the time of consideration of the evidence, we are not inclined to release the petitioner on bail. However, we direct the trial court to conclude the proceeding within six months from date without granting any unnecessary adjournment to either of the parties.

In the event the proceeding could not be concluded during the aforesaid period due to reasons not attributable to the petitioner, the petitioner would renew the prayer for bail.

Accordingly, application for bail being CRM 7492 of 2020 is rejected.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)