

18.11.2020
SL No.SL8
Court No.12
(GB)

CRM 7984 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No.**273/2019** dated **05.05.2019** under Sections **302/34** of the Indian Penal.

And

In the matter of: **Masuma Bibi @ Pinki.**

....Petitioner.

Mr. Sagar Saha

...for the Petitioner.

Mr. Saibal Bapuli,
Mr. Arani Bhattacharyya.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned Counsel for the petitioner submits that the petitioner is innocent and she is in custody for 562 days and there is no possibility of the trial being commenced.

The learned Counsel for the State however opposes the prayer for bail. It is submitted that the statement recorded under Section 164 of the Code of Criminal Procedure directly implicates the petitioner along with her husband.

Considering the nature of allegation and in view of the protracted period of detention suffered by the petitioner and as there is no progress in the matter we are inclined to grant bail to the petitioner subject to the condition stated hereinafter.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, and to comply with the provision of Section 437(3) of the Code of Criminal Procedure and shall appear before the learned trial court on every date till the conclusion of the trial.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

In addition to the aforesaid, the petitioner shall hand over the passport, if any, within two weeks from date to the Investigating Officer. In the event, the petitioner does not have passport, the petitioner shall personally appear before the Investigating Officer and furnish affidavit to that effect within the time frame mentioned hereinabove.

Accordingly, the application for bail being CRM 7984 of 2020 is allowed and disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)