

03.03.21 In re: An application for bail under Section 439 of the Code of Criminal  
(S.R.) Procedure filed in connection with **Joynagar** Police Station Case  
Sl.24 **No.1634 of 2017** dated **29.11.2017** under Sections  
Ct.28 **498A/302/201/120B** of the Indian Penal Code, 1860;

And

**In re: Kalidasi Naskar**

**... petitioner.**

Mr. Abdur Rakib

... for the petitioner.

Mrs. Sukanya Bhattacharya

Mr. Nirupam Dhali

...for the State.

Mr. Rakib, learned advocate appearing for the petitioner submits that the petitioner is a lady of 77 years. She is in custody for more than 3 years. Out of 22 witnesses, only one has been examined till date and as such there is no possibility of conclusion of trial in the near future. In view thereof, further detention of the petitioner is not necessary.

Mrs. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and submits that the allegations against the petitioner are not in the abstract and there are materials on record which clearly reveal the involvement of the petitioner in the alleged offence. The delay, which has occasioned is not totally attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to the pandemic.

Considering the petitioner's age, the period of detention and since there is no possibility towards early conclusion of trial, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, the petitioner, namely, **Kalidasi Naskar**, 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 Additional Chief Judicial Magistrate, **Baruipur** and on a further condition that the petitioner shall not leave the jurisdiction of **Joynagar** Police Station until further orders save and except for attending the trial court on the dates fixed for hearing,

While on bail, the petitioner shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever.

In any event, the petitioner fails to comply with the directions without any justifiable cause, the trial court would be at liberty to cancel her bail, without any further reference to this Court.

Accordingly, the application for bail being CRM No.628 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**