

30.06.2021  
Item no.7  
Ct. No.34  
CHC

**C.R.M. No.11937 of 2017**  
**(Through video Conference)**

In Re: An application for cancellation of bail under Section 439(2)  
of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Shila Das

... petitioner

Mr. Satadru Lahiri

...for the petitioner

Mr. P. K. Datta, Ld. A.P.P.

Mr. Santanu Deb Roy

...for the State

Mr. Datta, learned A.P.P. submits report of I.C., Basirhat Police Station dated 29.06.2021.

I find from the said report that the opposite party no.2 is not enlisted in the Voter List in Ward No:03, Basirhat Municipality within the jurisdiction of 124-Basirhat Dakshin Constituency.

Mr. Lahiri, learned advocate appearing for the petitioner draws the attention of this Court to the order dated 15.11.2017 and submits that although learned court recorded in its order that the Investigating Officer of the case was present with the verification report and the Case Dairy, but no verification report

was submitted before the Court on the said date and it would be reflected from the application which was submitted before the Investigating Officer thereby praying for time.

I have taken into account the submission advanced by the learned advocate for the petitioner as well as the learned advocate for the State. I have also assessed the order passed by the learned Magistrate while considering the application for bail, learned Magistrate has emphasized on two facts i.e. accused is a lady and senior citizen. The order was passed on 15.11.2017, that is more than three and half years have passed in the meantime. It has been informed that the other co-accused namely, one Goradas Kundu has already been granted bail.

Having regard to the same, I am not inclined to interfere with the order of bail dated 15.11.2017 passed by the learned A.C.J.M., Basirhat, North 24 Parganas.

However, the learned Magistrate is directed to ensure that the opposite party no.2 appears on each and every date fixed by the court and must furnish the address where she is staying to the court which is in seisin of the trial of the case.

With the aforesaid observations, C.R.M.11937 of 2017 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

**(Tirthankar Ghosh, J.)**