

17.03.2021
Item No.32
Ct.No.28
Subha
rejected

C.R.M. 11046 of 2020
(Via Video Conference)

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

In the matter of : **Bimala Devi @ Bimla Devi Jaiswal @ Kamala Jaiswal** ... Petitioner.

Ms. Minoti Gomes
Mr. Achin Jana
Mr. Suman Chakraborty

... For the Petitioner.

Mr. Saswata Gopal Mukherji, PP
Mr. Partha Pratim Das
Ms. Manasi Roy

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Howrah Women Police Station Case No. 06 of 2017 dated 03-02-2017 under Sections 498A/107/304-B/302/34 of the Indian Penal Code(S. T. Case No. 280 of 2017).

This is the 3rd bail application filed at the instance of the petitioner. The earlier two applications were rejected on the prima facie finding of the complicity of the petitioner

in the alleged offence and the disclosure of the name of the petitioner by the deceased in her dying declaration.

It is no doubt true that the trial has not seen a substantial progress in the matter and in fact one witness out of 12 charge-sheeted witnesses has been examined.

We are not inclined to grant bail because of the complicity of the petitioner and the disclosure of the name of the petitioner in the dying declaration by the deceased and as such, prayer for bail of the present petitioner is rejected.

We expect that the trial should see the substantial progress and, therefore, we request the learned Judge in the trial court to fix a schedule for recording of the evidence and efforts shall be shown to complete the trial as expeditiously as possible.

With the aforesaid observations, the application for bail being CRM 11046 of 2020 is, accordingly, disposed of.

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

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)