

**CRM (DB) 65 of 2022**  
**(via video conference)**

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

In the matter of : **Nilima Biswas**

..... petitioner

**Mr. Angshuman Chakraborty**

.....For the petitioner

**Mr. Saibal Bapuli, Ld. APP**

**Mr. Bibaswan Bhattacharya**

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Santipur PS Case No. 11/16 dated 05.01.2016 under Sections 302/201/109/120B/34 of the Indian Penal Code.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is the grandmother of the victim. She is presently 68 years old. She is languishing in custody for more than six years and there is also no possibility towards conclusion of the trial in the near future since out of 19 witnesses, only 5 had been examined. Mr. Chakraborty further submits that the principal accused is the father of the victim who is presently in custody and the mother of the victim has already been enlarged on bail by a co-ordinate Bench of this Court on 15<sup>th</sup> January, 2021.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer, however, he does not

dispute the fact that out of 19 witnesses, only 5 had been examined till date. He also draws our attention to the statements of the witnesses as well as the post mortem report. Let the report, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

From the sequence of facts, it appears that the petitioner cannot be held responsible for the delay which has occasioned. She is languishing in custody for more than six years and there is also no possibility towards conclusion of the trial in the near future. She is an aged female family member and *prima facie*, there is also no possibility that she would flee from justice or delay the trial by abscondence.

Records reveal that the mother of the victim has already been enlarged on bail and the principal accused being the father of the victim, is still in custody. In the said conspectus, we are of the opinion that further detention of the petitioner is not necessary.

In view thereof, we allow this application and direct that the petitioner, namely, **Nilima Biswas**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. She shall

also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (DB) 65 of 2022, is disposed of.

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

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**