

06.06.2022
cm/ct 28
sl no. 3

C.R.M. No.7531 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Malda P.S Case No. 319 of 2016** dated **07/06/2016** under Section **306/34** of the Indian Penal Code.

And

Allowed

In Re : Kalpana Haldar & Anr.

..... petitioners

Mr. Sourav Chatterjee
Mr. Aniruddha Bhattacharyya

..... for the petitioners

Mr. Binay Panda
Ms. Puspita Saha

..... for the State

Petitioners renew their prayer for bail. They submit ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case. He further submits there is hardly any progress in the matter since the rejection of bail by this Court.

Learned lawyer for the State submits that petitioners had absconded for a considerable period of time and date has been fixed for recording evidence.

We have considered the materials on record. Whether conduct of the petitioners would constitute abetment of suicide requires to be assessed during trial. Petitioners are in custody for than one and half years and recording of evidence has not yet been commenced. In view of the aforesaid circumstances of the case particularly the tardy progress in trial since the rejection of bail by this Court, we are of the opinion there is change in circumstance

justifying favourable consideration of the prayer for bail of the petitioners.

Accordingly, the petitioners 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 CJM, Malda on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM No 7531 of 2021 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)