

09.03.2022

Court No.32
rpan /126

CRM 8162 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Tehatta Police Station Case no.139 of 2021 dated 24.03.2021 under Section 364A of the Indian Penal Code and adding Sections 302/120B/212/34 of the Indian Penal Code;

And

In Re : **Jharna Halder @ Jhara Halder**
- Petitioner.

Mr. Arindam Jana,
Mr. Asraf Mandal
... for the petitioner.
Mr. Madhusudan Sur,
Mr. Dipankar Paramanick
... for the State.

Mr. Jana, learned advocate appearing for the petitioner submits that the entire case is based upon circumstantial evidence and the petitioner has been falsely implicated. She is a female family member and there is no possibility that she would flee from justice or delay the trial by abscondence. She is languishing in custody for more than eleven months. The case has been committed but there is no possibility towards conclusion of the trial in the near future, since there are about 38 witnesses. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is languishing in custody for more than eleven months, may not be necessary and she may be enlarged on bail on any stringent condition.

Mr. Sur, learned Additional Public Prosecutor appearing for the State, however, opposes the petitioner's prayer and draws

our attention to the statements of the witnesses, the seizure lists and the post-mortem report. He submits that the petitioner has been identified in the T.I. parade by two independent witnesses.

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

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the gravity of the offence, its ramifications and the extent of her complicity in the alleged offence, we are not inclined to exercise any discretion in her favour. As such, her prayer for bail is refused at this stage.

The application for bail, being CRM 8162 of 2021 is, thus, dismissed.

However, the learned trial court is directed to expedite the trial and conclude the same at the earliest.

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.)