

CRM No.8662 of 2021

Via video conference

02.03.22

(S.R.)

Sl.205

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Durgapur** Police Station Case No.245 of 2021 dated 19/05/2021 under Sections 302/34 of the Indian Penal Code subsequently charge sheet has been filed under Sections 302/201/120B of the Indian Penal Code;

And

In re: Monawara Begum

... petitioner.

Mr. Amlan Jyoti Sengupta

... for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Arani Bhattacharyya

...for the State.

Mr. Sengupta, learned advocate appearing for the petitioner submits that the petitioner is the sister of the victim's wife and she has been falsely implicated. She is languishing in custody since 19th May, 2021 and there is no possibility towards conclusion of the trial in the near future. She is also suffering from various ailments and in the said conspectus, she may be enlarged on bail on any stringent condition.

Mr. Bhattacharyya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the seizure list and the post mortem report.

Answering our query, Mr. Bhattacharyya submits that there are in total seventeen witnesses and after framing of charges date has been fixed on 5th March, 2022 for evidence.

Records reveal that the petitioner's prayer was earlier rejected by a Coordinate Bench of this Court on 24th September, 2021.

Prima facie, we do not find any substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for bail. Considering the gravity of the offence and the nature of

accusations, we are not inclined to allow the petitioner's prayer for bail at this stage.

Mr. Sengupta, however expresses the petitioner's anguish and inconvenience, as regards the delay in the progress of the trial.

We take notice of such issue and request the learned court below to expeditiously conduct the trial and, if necessary, upon resorting to the steps available under Section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest, preferably within a period of eight months from the date of communication of this order.

The Superintendent of the concerned Correctional Home is also directed to take appropriate steps towards medical treatment of the petitioner.

With the above observations and directions, the application for bail being CRM No.8662 of 2021 is, accordingly, 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.)