

15.11.2022.
17.
as
(Allowed)

C.R.M. (DB) 3952 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Marishda P. S. Case No.69 of 2022 dated 16.04.2022 under Sections 305/34 of the Indian Penal Code.

In the matter of : Madhumita Jana.

.... Petitioner.

Mr. Soumik Ganguli.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Petitioner renews her prayer for bail. She submits there is no progress in the trial of the case since rejection of bail of the petitioner by this Court. She is in custody for over 200 days.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is the step mother of the victim girl who committed suicide.

We have considered the materials on record. Though oral statements of witnesses state petitioner tortured the victim, victim girl did not leave behind any suicide note. There is no progress in the matter since rejection of bail of the petitioner by this Court.

Balancing the nature of accusation with the period of detention suffered and as there is little possibility of the trial commencing let alone concluding in the near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)