

21.03.2023
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 989 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.03.2023 in connection with Chakdah Police Station Case No.230 of 2021 dated 01.06.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Prakash Biswas @ Nisha Das***

... .. Petitioner

Mr. Deepak Kumar Shaw

... .. for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 600 days. Co-accused has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Case is based on circumstantial evidence. Co-accused has been enlarged on bail. There is no possibility of the trial concluding in the near future. Petitioner has strong roots in society and there is no possibility of her abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Prakash Biswas @ Nisha Das***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani, Nadia subject to condition that the said petitioner 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)