

03.04.2023

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rejected

C.R.M. (DB) No. 1312 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haridevpur Police Station Case No. 478 of 2019 dated 06.11.2019 under Sections 34/394/307 of the Indian Penal Code added Section 412 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 394/307/411/34 of the Indian Penal Code.

And

In Re : Oindrila Roy @ Tiya petitioner

Ms. Masum Ali Sardar

... for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... for the State

Learned Counsel for the petitioner submits she is in custody for three years. It is also submitted there is no possibility of the trial completing in near future. Petitioner is a lady and she shall not abscond. Hence, she may be released on bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statement of an eye witness recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in the crime. Petitioner and co-accused came to the residence and assaulted the eye witnesses and one Kalpana Das. Kalpana Das suffered head injury and was hospitalised for a considerable period of time. Trial is in progress. Injured eye-witnesses are yet to be

examined. At this stage we do not consider it prudent to release the petitioner on bail.

The application for bail is, thus, rejected.

Trial court is directed to proceed with the trial with utmost expedition and examine the injured eye-witnesses at the earliest without granting unnecessary adjournment to either of the parties.

Parties shall communicate this order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)