

09.08.2023.
15.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2618 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Labpur P. S. Case No.51 of 2017 dated 06.04.2017 under Sections 341/342/346/347/329/364/302/201/120B of the Indian Penal Code and under Section 14 of the Foreigners Act.

In the matter of : Aisha Mondal @ Nolakkiner @
Md. Rafshan @ Rafi @ Aysha Mondal.
.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Rahul Chachan.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for more than three years. She submits co-accused have been enlarged on bail. There is little possibility of the trial commencing in near future. She also contends she is an Indian citizen. She prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner and victim both belong to the transgender community. There were disputes inside the community and it is alleged that the victim had been murdered. Investigation of the case is complete. Some of the co-accused are on bail. Others are absconding and there is little possibility of trial commencing in the near future. Nothing is placed on record to show that the petitioner is a foreign national. She had been apprehended from New Delhi.

Under such circumstances, we are of the petitioner further detention of the petitioner is not necessary and she may be released on bail subject to conditions.

Accordingly, the petitioner viz., Aisha Mondal @ Nolakkinner @ Md. Rafshan @ Rafi @ Aysha Mondal 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, Bolpur, Birbhum 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 and on further condition that the petitioner while on bail shall remain within the district of South 24-Paraganas except for attending court proceeding and report to the Officer-in-charge of Parbatipur Police Station, South 24-Paraganas once in a week until further orders.

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.)

