

11.10.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3812 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taltala P.S. Case No.18 of 2016 dated 05.02.2016 under Sections 394/302 of the Indian Penal Code.

In the matter of : **Moumita Vishnani.**

.... Petitioner.

Mr. Aniruddha Bhattacharya,
Ms. Ritwika Ghosh.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

1. Petitioner is in custody for over more than seven years.

He submits there is inordinate delay in trial. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

He contends delay is not exclusively attributable to the prosecution.

3. We have considered the materials on record. Though allegations are grave, petitioner has suffered detention for more than seven years. Till date 14 witnesses have been examined and 36 witnesses are proposed to be examined as per charge sheet. Prosecution submits they would examine seven more witnesses.

4. Be that as it may, in view of the protracted period of detention suffered by the petitioner and as she is a lady and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz **Moumita Vishnani** 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 Chief Metropolitan Magistrate, Calcutta 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 Howrah except for the purpose court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

6. 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.

7. Trial Court is requested to conduct trial with utmost expedition and shall not grant unnecessary adjournment to either of the parties. In the event petitioner seeks to unnecessary delay or dilate proceeding, it shall be open to the Court to cancel his bail in accordance with law.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

