

09.10.2023

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Allowed

C.R.M. (DB) No. 3877 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Market Police Station Case No. 322 of 2012 dated 16.07.2012 under Sections 302/34 of the Indian Penal Code.

And

In Re : Sabnam Khatoon @ Sabbo Khatoon @ Madhuri petitioner

Mr. Syed Shahid Imam
Md. Khairul

.....for the petitioner

Mr. Madhu Sudan Sur, learned APP
Mr. Manoranjan Mahata

.....for the State

1. Learned Counsel for the petitioner submits she is in custody for eleven years. It is contended inspite of direction given by this Court to conclude trial within September 2022 trial has lingered on till death. There is no possibility of trial concluding in the near future. She prays for bail.

2. Learned Counsel for the State submits report. From the report it appears 25 witnesses have already been examined. Next date has been fixed for examination of PW 26 in December, 2023.

3. We have considered the materials on record. Petitioner has languished in jail for eleven years. Though 25 witnesses have been examined there is little possibility of trial concluding in the near future. Delay in the matter cannot be attributed to the petitioner. In spite of direction given by this Court in September, 2022 to conclude the trial within a

specified timeframe prosecution case has not substantially progressed. Though allegations are grave and would attract mandatory life imprisonment, in view of protracted period of detention suffered by the petitioner i.e. eleven years and as there is little possibility of trial concluding in the near future, we are inclined to grant bail to the petitioner subject to strict conditions.

4. Accordingly, we direct that 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 Chief Metropolitan Magistrate, Calcutta, subject to strict conditions that while on bail she remain within the Municipal limits of Kolkata and report to the Officer-in-Charge of New Market Police Station once in a week until further orders. 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.

5. In the event she 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

