

09.06.2023
SL No.6
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 296 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sessions Case No.118 of 2021, arising out of Dhupguri Police Station Case No.245 of 2021 dated 30.06.2021 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : **Sumitra Oraon**

- Petitioner.

Mr. Kallal Ghosh

... For the Petitioner.

Mr. Biswarup Roy,

... For the State.

The petitioner is in custody for over 2 years with the child on her lap. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for bail. The prosecution has relied upon the statement of the witness recorded under Section 164 of the Cr.P.C.

Considering the materials available in the case diary, the statement of the witness under Section 164 of the Cr.P.C. and the nature and involvement of the petitioner in the commission of the alleged offence, we are of the view that further detention of the petitioner is not required. The charge-sheet has already been filed and the trial has commenced.

Accordingly, we direct the accused/petitioner, namely **Sumitra Oraon** be released on P.R. Bond (Personal Recognizance Bond) to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to the condition that the petitioner shall attend each and every date of trial and the petitioner shall not leave the jurisdiction of the jurisdictional court without prior permission of the court and she shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event of non-compliance of any of the conditions, the bail shall stand automatically cancelled without any further reference to this Court.

Since the charges have been framed, we request the learned Trial Court to comply with Section 309 of the Cr.P.C. and proceed with the trial as expeditiously as possible.

The application for bail is allowed.

Accordingly, the application for bail being CRM (DB) 296 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)