

01.02.2024.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 67 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulpi P.S. Case No.256 of 2019 dated 01.09.2019 under Sections 363/365/468/471/372/373/364/302/201/120B of the Indian Penal Code.

In the matter of : **Sunita Bhattacharjee.**

.... Petitioner.

Mr. Kalyan Kr. Bhattacharjee,
Ms. Sahina Khatun.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Mrs. Anasuya Sinha,
Mr. Gautam Wilson.

...for the State.

1. Petitioner is in custody for more than four years. He contends there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Public Prosecutor opposes the bail prayer. He contends petitioner and co-accused were involved in trafficking a baby. Trial is in progress.
3. We have considered the materials on record. Allegations involve the petitioner in trafficking of a child. They do not implicate her in the murder. Petitioner has suffered incarceration for more than four years. Co-accused viz., Jayanti Saha is on bail. Prosecution proposes to examine 46 witnesses in all and only four witnesses have been examined.
4. Under such circumstances, it is left to one's imagination when the trial will come to an end. Petitioner has made out a

case for bail on the ground of delay in trial. Hence, she may be released on bail subject to strict conditions.

5. Accordingly, the petitioner viz., **Sunita Bhattacharjee** 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, Diamond Harbour, 24-Paraganas, South 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 jurisdiction of South 24-Paraganas and report to the Officer-in-charge, Kulpi Police Station once in a week until further orders.

6. In the event 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. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)