

09.02.2024.
36.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 415 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat P.S. Case No.12 of 2016 dated 13.01.2016 under Sections 302/201 of the Indian Penal Code.

In the matter of : **Ainur Bibi @ Khude Bibi.**

.... Petitioner.

Mr. Biplab Roy,
Ms. Rashmi Roy.

...for the Petitioner.

Mr. Suman De.

...for the State.

1. Petitioner is in custody for more than eight years. There is inordinate delay in trial. Co-accused have been enlarged on bail on such score. Accordingly, she prays for bail.
2. Learned Advocate for the opposes the bail prayer. He submits trial is in progress and only three witnesses are remaining.
3. We have considered the materials on record. Vital witnesses have already been examined. On the score of delay co-accused have been enlarged on bail. Petitioner is a lady and there is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Ainur Bibi @ Khude Bibi** 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 Judicial

Magistrate, Barasat, North 24-Paraganas 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)