

13.03.2024
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allowed

CRM(DB) No. 790 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howra Women Police Station Case No. 26 of 2017 dated 23.05.2017 under Sections 363/363A/370A of the Indian Penal Code and Sections 8/12 of the POCSO Act and Sections 76/84 of the Juvenile Justice Act.

And
In Re : Laxmi Bibi petitioner

Sk. Toslim Ali
.....for the petitioner

Mr. Jaydeep Biswas
.... for the State

1. Learned Counsel for the petitioner submits she is in custody for six years and ten months. There is inordinate delay in trial. Co-accused are on bail. Accordingly she prays for bail.

2. Learned Counsel for the State produces the Case Diary.

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. There is no chance of trial concluding in the near future. Co-accused are on bail. Under such circumstances, we are inclined to extend the similar privilege to the petitioner.

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 Judicial Magistrate, Howrah,

subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)