

23.04.2024
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Allowed

C.R.M. (DB) No. 1139 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 139 of 2021 dated 24.03.2021 under Section 364A of the Indian Penal Code and added Sections 302/120B/212/34 of the Indian Penal Code.

And

In Re : Jharna Halder petitioner

Mr. Debarshi Brahma
Mr. Sourav Mondal
Mr. Amit Dey
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Ivan Ray
.....for the State

Mr. Kalyan Kumar Bhattacharjee
Ms. Sahina Khatun
..... for the de facto complainant

1. Learned Counsel for the petitioner submits she is in custody for more than three years. It is also submitted there is inordinate delay in trial. In spite of direction given by this Court to expedite the proceeding recording of evidence has not concluded. Accordingly, she prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits there are ample evidence against the petitioner. Two witnesses identified her during test identification parade examination.

3. Learned Counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. Petitioner is in custody for more than three years. In spite of direction given by this Court there has not been appreciable progress in trial. Under such circumstances and as there is no chance of abscondence we are of the opinion further detention of the petitioner is not necessary and she may be released on bail subject to strict conditions.

5. 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 Additional Chief Judicial Magistrate, Tehatta, Nadia, on further conditions that while on bail petitioner shall remain within the district of Nadia until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge, Tehatta 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.

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. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

