

21.08.2024  
Item no. 38.  
Court No.28.  
AB  
(Allowed)

**CRM (DB) 2157 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bhutni Police Station Case No.184 of 2022 Dated 15.9.2022 under Sections 302/34 of the Indian Penal Code

And

**In the matter of : Chandana Mondal**

**.....Petitioner.**

Mr. Mritunjoy Chatterjee,  
Mr. Imdadul Haque .....for the Petitioner.

Ms. Sreyashee Biswas,  
Mr. Subham Bhakat .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The allegation is that the petitioner and her husband (stepfather of the victim) killed the child girl. The petitioner says that she is in custody for two years and seven months. There is no possibility of an early conclusion of the trial. She is innocent. She says that the main allegation is against the stepfather of the victim girl, who is in custody. It is inconceivable that a mother would kill her own child. She prays for bail.
2. Opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary including the statements of witnesses. Such statements are prima facie supported by the post mortem report.

3. We have considered the material in the case diary. There does appear to be some incriminating evidence against the petitioner. However, she has been in incarceration for a very long period of time. We further see that only 7 out of 18 witnesses have been examined. There is little likelihood of early conclusion of the trial.
4. Keeping in mind the prime importance of the fundamental right of a citizen to personal liberty and speedy trial, on the ground of undue delay in progress of the trial, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely **Chandana Mondal** 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, Malda, and on further conditions that she shall not leave the jurisdiction of the concerned police station until further orders and shall cooperate with the investigation.
6. The 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 and/or commit any cognizable offence in any manner whatsoever.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**