

27.09.2024
Item no.25.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2453 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Tehatta Police Station Case No. 18** of **2020** dated **12.01.2020** under **Sections 302/34** of the Indian Penal Code.

And

In the matter of : Chandana Mondal.

.....Petitioner.

Mr. Asraf Mondal,for the Petitioner.

Mr. Sandip Chakraborty,
Mr. Arup Sarkar,for the State.

Mr. Atish Kr. Biswas, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews her prayer for bail which was rejected twice earlier, lastly on November 17, 2023. She says that she is in custody for more than 4 years and 7 months. There is no possibility of early conclusion of the trial.
2. Opposing the prayer, learned State counsel says that there is sufficient incriminating evidence against this petitioner. He shows us the deposition of the deceased person's daughter who is also the petitioner's daughter.
3. Prima facie, there appears to be incriminating evidence against the petitioner. However, there is no

justification for keeping an undertrial in judicial custody for an indefinitely long period of time. We find that 9 out of 19 prosecution witnesses have been examined. From the report filed in Court today, we find that the prosecution intends to examine 10 remaining witnesses. Hence, we see no possibility of the trial concluding at an early date. Keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay in progress of the trial, we feel constrained to allow the petitioner's prayer for bail.

4. 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 Additional Chief Judicial Magistrate, Tehatta, Nadia and on further conditions that she shall not leave the jurisdiction of the concerned police station and shall co-operate with the investigation until further orders.
5. 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 in any manner whatsoever.

6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)