

57.
07-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2662 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhangore Police Station Case No.213 of 2017 dated 18-06-2017 under Sections 498A/406/326/307/34 of the Indian Penal Code and Sections 3/4 of the D. P. Act.

- A n d -

In the matter of : Majida Bibi

.... Petitioner.

Mr. Uttam Kumar Halder

... For the Petitioner.

Mrs. Amita Gaur,
Mr. Dipankar Paramanick

... For the State.

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Aishwarya Datta,
Ms. Bidisha Chakraborty

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

The petitioner renews her prayer for bail which was rejected earlier on August 31, 2021. The petitioner says that she is in custody for more than 4 years 7 months. Only 5 out of 36 charge sheet named witnesses have been examined. On the ground of delay, she prays for bail.

Opposing the prayer for bail, learned advocates for the State and the defacto complainant say that in a dying declaration, the victim specifically named this petitioner as the person who poured kerosene on her and set her on fire along with the husband of the victim being the petitioner's son. There is very strong evidence against the petitioner. The

State says that not 5, but 6 prosecution witnesses have already been examined.

The prosecution may have an iron cast case against the petitioner. Nobody stands in the way of the prosecution securing the petitioner's conviction along with the conviction of the other accused persons. However, the fundamental right of a citizen to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India, cannot be allowed to be abrogated by keeping such person in judicial custody for an indefinite period of time.

We do not see any possibility of the trial concluding on an early date. Solely on the ground of delay, we feel constrained to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Majida Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Baruipur. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of the local police station, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2662 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)