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06-12-2024
(ct. no. 29)
KOLE
Allowed

CRM (DB) 2719 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Ranaghat Police Station** Case No. **253 of 2022** dated **16.04.2022** under Sections **302/34/201/120B** of the Indian Penal Code.
- A n d -

In the matter of : Gita Saroj

.... Petitioner.

Mrs. Sananda Bhattacharyya,

... For the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. We find that the prosecution intends to examine all the 43 charge sheet named witnesses. Although the report says that the prosecution expects the trial to conclude within one year, we do not think that the same is a realistic time frame, going by the past conduct of the trial.
3. The petitioner was arrested on April 17, 2022. Charge sheet was submitted on June 30, 2022. It took the prosecution about one year four months to frame the charge which was done only on October 4, 2023. Since then only six witnesses have been examined. At this rate, there is no possibility of an early conclusion of the trial. The petitioner is languishing in judicial custody for a considerable period of time.
4. Without touching the merits of the case and solely on the ground of Article 21 of the Constitution of India, we feel obliged to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Gita Saroj**, 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, Ranaghat, Nadia subject to condition that she 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 and on further condition that the petitioner while on bail shall not leave the jurisdiction of concerned Police Station.

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.)