

CRM (DB) 2769 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 **Kandi Police Station** Case No. **218 of 2022** dated **25.04.2022** under Sections **489B/489C/34** of the Indian Penal Code.

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In the matter of : Manjura Bibi @ Manjura Khatun @ Manjuwara Khatun

.... Petitioner.

Mr. Ankan Das,
Mr. Arijit Roy,
Ms. Riya Kundu,

... For the Petitioner.

Mrs. Rituparna De Ghosh,
Mr. S. S. Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews her prayer for bail on the ground of delay in progress of trial. She says that she is in custody for about 945 days, i.e., about three years. The learned Trial Court is lying vacant. Although witness examination is complete, it is anybody's guess when the trial will conclude since no presiding officer is available.

2. Learned State Advocate says that the learned Judge-in-charge may be requested to conclude the trial. Only examination under Section 313 of the Code of Criminal Procedure and arguments remain.

3. We are not inclined to pass any direction or make any request to the learned Judge-in-charge, since we are conscious of the work pressure of each and every judicial officer. We see that the petitioner is in custody for about three years. Without touching the merits of the case, solely on the ground of lengthy detention of

the petitioner in judicial custody, we are inclined to enlarge the petitioner on bail but on stringent conditions.

4. Accordingly, we direct that the petitioner, namely, **Manjura Bibi @ Manjura Khatun @ Manjuwara Khatun**, 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, Kandi 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 the concerned police station until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Subhendu Samanta, J.)

(Arijit Banerjee, J.)