

09.12.2024
Ct. No.29
SL No.23
s.biswas
(Allowed)

C.R.M. (DB) 3183 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagharik Suraksha Sanhita, 2023 in connection with Bally P.S. Case No.56/2023 dated 24.05.2023 under Section 363/376D/506/465/120B of the Indian Penal Code and under Section 81 of the Juvenile Justice (Care and Protection) Act.

And

In the matter of: **Swati Sharma**

....Petitioner

Mr. Subhasis Panchal
Ms. Manisha Jaiswal

...for the Petitioner

Ms. Sreyashee Biswas
Mr. Santanu Talukdar

...for the State

Mr. Soumajit Chatterjee

... for the victim

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. The State has also filed a report pertaining to the health condition of the petitioner. From that report, it appears that the petitioner is physically and mentally stable and all her medical needs are being attended to.
2. From the status report filed today, we see that only one prosecution witness has been examined, that too, in part. There are in all 11 charge-sheeted witnesses. The petitioner is in custody for about 1 year 8 months. There is a little likelihood of early conclusion of the trial.

3. It has been repeatedly held by the courts that the fundamental right to speedy trial and personal liberty that an under-trial person has is paramount and must override all other considerations. In the present case, witness action has started. However, nobody knows when the trial will conclude. Without touching the merits of the case, solely on the ground of lengthy detention of the petitioner coupled with delay in progress of the trial, we are constrained to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Swati Sharma**, 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 the Learned Additional Sessions Judge, 5th Court, Howrah. The petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of Lake Town Police Station except for attending court proceedings.
5. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.
6. The application for bail is, thus, allowed.
7. All parties shall act on the basis of server copies of this order duly downloaded from the official website of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)