

07. Court No.29 07.03.2025
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 284 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Deganga** Police Station Case No. **723/2021**, dated **28.11.2021** under Section **302** of the Indian Penal Code.

And

In the matter of: - **MUSKAAN BIBI @ MUSKAN BIBI** ...petitioner.
Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Sandip Chakraborty ...for the petitioner.
Mr. Shashanka Shekhar Saha
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews her prayer for bail which was rejected on several occasions earlier. While rejecting her bail prayer on November 24, 2023, by an order passed in CRM (DB) 4429 of 2023, a co-ordinate Bench had requested the learned Trial Court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties. The petitioner had thereafter again approached a co-ordinate Bench by filing CRM (DB) 2103 of 2024. By an order dated August 7, 2024, that application was dismissed on the ground that the time-

frame indicated in the earlier order dated November 24, 2023, had not expired.

2. Today, the petitioner says that the time-frame prescribed by the Court has expired. Only eight out of 15 charge-sheet named witnesses have been examined. The petitioner is in custody for three years and three months. The case is based on circumstantial evidence. She should be enlarged on bail.
3. While opposing the prayer for bail, learned State Advocate says that the delay in progress of trial is not attributable to the prosecution. There is sufficient incriminating material against the petitioner. Several times her bail prayer has been rejected by the Court. At this stage, her prayer should not be allowed.
4. We find that in spite of the direction of the co-ordinate Bench in the order dated November 24, 2023, there has not been any appreciable progress in the trial. The petitioner, a lady, is in custody for a substantial period of time. It does not appear that the trial is likely to conclude on an early date.
5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India and considering that the petitioner is a lady, we are inclined to allow her prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **MUSKAAN BIBI @MUSKAN 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 the learned Additional Chief Judicial Magistrate, Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the territorial jurisdiction of Barasat Police Station, until further orders and shall furnish her present address to the Inspector-in-Charge of Barasat Police Station as well as the learned Trial Court.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 284 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)