

37
23.07.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 854 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Chatterjeehat P.S. Case No. 105 of 2019 dated 21.06.2019 under Sections 363/365/302/120B of the Indian Penal Code.

And

In Re : **Kakuli Roy** ... Petitioner.

Sk. Toslim Ali ... for the Petitioner.

Ms. Rituparna De Ghose
Ms. Sudeshna Das ... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for more than 6 years and prays for bail on the ground of her prolonged incarceration.

Learned counsel for the State opposes the prayer.

I have considered the material on record. Allegations against the petitioner are extremely serious. She happens to be the mother of the victim boy who was murdered.

In course of hearing of an application for bail filed on 10th April, 2025 by one of the co accused, learned counsel for the State submitted that 7 out of 37 witnesses were examined. Today also, this Court is informed that no further witness has been examined. The prosecution proposes to examine 27 more witnesses. There is remote possibility of trial being concluded in near future.

In view of the period of incarceration suffered by the petitioner, this Court is inclined to hold that the petitioner is entitled to bail solely on the touchstone of the Article 21 of

the Constitution of India, without going into the merits of the case.

Accordingly, prayer for bail is allowed.

The petitioner namely **Kakuli Roy** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that she shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. She shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed by the learned trial Court without justifiable cause, the learned trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)