

Court No.29.

AB
(Allowed)

CRM (DB) 4274 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Liluah Police Station Case No.25 of 2019 Dated 27.01.2019 under Sections 302/201/34 of the Indian Penal Code

And

In the matter of : Sangita Gupta

.....Petitioner.

Mr. S. Basu Roychoudhuryfor the Petitioner.

Mr. Saibal Bapuli, Id. APP

Mr. Koushik Biswasfor the State.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. We find from the report that only 3 out of 13 charge sheet named witnesses have been examined. The prosecution proposes to examine all the charge sheet named witnesses i.e. 10 more witnesses will be examined by the prosecution. We see from the report filed by the State that the primary reasons for delay in trial are firstly, absence of witnesses and secondly, the P.O. being on leave. The delay cannot be attributed to the petitioner to any appreciable extent.

3. 10 more witnesses are to be examined. It is anybody's guess when the trial will conclude. The petitioner is in judicial custody for more than six years.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India and also considering that the petitioner is a lady, we have to grant bail to her.
5. Accordingly, we direct that the petitioner, namely **SANGITA GUPTA** 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 Chief Judicial Magistrate, Howrah, and on further conditions that she shall not leave the jurisdiction of the concerned police station until further orders.
6. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)