

CRM 6236 of 2020
with
CRAN No. 1 of 2020 (old CRAN 4746 of 2020)
(via video conferencing)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga P.S. Case No. 100/2019 dated 07.03.2019 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Rina Bibi

...Petitioner

Mr. Somnath Adhikari

...for the Petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, application being CRAN 1 of 2020 (CRAN 4746 of 2020) is disposed of.

It is submitted on behalf of the petitioner that the motive of crime, that is, illicit relationship is not supported by materials on record. Couple was married for 16 years. The petitioner is in custody for 550 days.

Learned lawyer for the State submits that the petitioner is the wife of the deceased and was present when he was killed by co-accused.

We have considered the materials on record. Petitioner is the wife of the deceased and therefore, her presence at the place of occurrence, that is, the residence of the couple cannot be said to be

unnatural. Other circumstances are to be assessed in the backdrop of the alleging facts of the case.

Keeping in mind the aforesaid facts and the detention suffered by the petitioner, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner 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, Murshidabad subject to the condition that 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 in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)