

22.09.2020
SL No. 18
Sdas
allowed

CRM 7055 of 2020
with
CRAN 1 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 394 dated 05.05.2020 under Sections 302/34 of the Indian Penal Code.

And

In Re : Nurbanu Khatun petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Dipanjan Dutt
Mr. Sauvik Dere

.....for the petitioner

Mr. Ranabir Roy Chowhdury
Mr. Mainak Gupta

....for the State

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

Accordingly, application being CRAN 1 of 2020 is disposed of.

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 135 days. Investigation is complete. Case is based on circumstantial evidence.

Learned Counsel appearing for the State opposes the prayer for bail and submits that a gamcha or napkin was seized from the place of occurrence.

We have considered the materials on record. Identity of the incriminating article seized at the place of occurrence may be

assessed at the appropriate stage of the proceeding. There is no direct evidence connecting the petitioner in the alleged crime. In view of the aforesaid facts and circumstances of the case and the period of 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 Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the condition that 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 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 her bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)