

15.10.2020
SL No. 10
Sdas
allowed

CRM 7849 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mathabanga Police Station Case No. 239 of 2020 dated 13th July, 2020 under Section 302 of the Indian Penal Code.

And

In Re : Golapi Bibi @ Nasrin Amin petitioner

Ms. Suman Sehanabis (Mandal)
.....for the petitioner

Mr. Nilay Chowdhury
Mr. Sagnik Sikdar
....for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 92 days. Investigation is complete and the charge-sheet has been filed under Section 306 of the Indian Penal Code instead of Section 302 of the Indian Penal Code.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the facts and circumstances of the case particularly the change in the nature of accusation from one of murder to abetment of suicide and in view of the period of detention suffered by the petitioner i.e. 92 days, 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, Mathabanga,

Coochbehar, 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.

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)