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CRM 9902 of 2020
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Paikar P. S. Case No. 178/2020 dated 28.08.2020 under Sections 448/302/34 of the Indian Penal Code.

And

In the matter of: Babu Sk. & Anr.

....Petitioners.

Ms. Priya Chakraborty

...for the Petitioners.

Mr. N. Ahmed

Ms. A. Gaur

...for the State.

It is submitted on behalf of the petitioners that there was dispute with regard to non-payment of salaries and they have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the deceased had scribbled the name of the petitioner No.1 as the assailant. The petitioner No.2 was last seen together with the victim.

Having considered the materials on record including the statement of the witnesses and as in his dying declaration the deceased has scribbled the name of petitioner no.1 as recorded under Section 164 Cr. P. C., we are not inclined to grant bail to this petitioner. Hence, the prayer for bail in connection with the concerned petitioner is rejected.

However, keeping in mind the complicity of petitioner No.2 in the alleged crime and as the dying declaration does not implicate petitioner No.2, who is the wife of the petitioner No.1 and there is every possibility of false implication due to prior enmity, we are inclined to grant bail to petitioner No.2.

Accordingly we direct that the petitioner No.2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned CJM, Rampurhat, Birbhum subject to 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 No.2 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)