

22.12.2020
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allowed

**CRM 10626 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 393 of 2020 dated 09.10.2020 under Sections 448/302/201/34 of the Indian Penal Code.

And

In Re : Sushmita Goswami (Batabyal) alias Moni petitioner

Mr. Sankha Subhra Ray

.....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

Petitioner is in custody for 161 days.

It is submitted by the learned Counsel appearing for the petitioner that she has been falsely implicated in the instant case out of suspicion.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner had an illicit affair with the principal accused. She conspired with the principal accused to murder her mother-in-law.

We have considered the materials on record including the statements of the husband and other in-laws. Although the witnesses speak of inimical relationship between the petitioner and the deceased there is no direct evidence connecting her with the alleged crime.

Under such circumstances including the period of detention suffered by the petitioner and as she is a lady, we are inclined in granting bail to her.

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, Ghatal, Paschim Medinipur, 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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)