

10.02.2020
Court No.28
SL No.155
AP

CRM 1383 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **06.02.2020** in connection with **Women** P.S. Case No.**23 of 2019** dated **11.05.2019** under Sections **498A/307** of the Indian Penal Code (subsequently Charge Sheet has been submitted being No.47/2019 dated 08.08.2019 under Sections **498A/307/34** of the Indian Penal Code with adding Section **302** of the Indian Penal Code).

And

In the matter of: **Mostafa Ahmed & Ors.**

....Petitioners.

Mr. Subir Banerjee,
Mr. Sandip bandyopadhyay,
Mrs. Ruxmini Basu Roy

...for the Petitioners.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta

...for the State.

It is submitted on behalf of the petitioners that they are in custody for about 9 months. Petitioner No.3 is the married sister-in-law of the victim housewife.

Learned lawyer for the State opposes the prayer for bail and draws the attention to the dying declaration of the victim.

We have considered the materials on record including the aforesaid dying declaration. There is direct allegation against the petitioner No.2 and the husband of the victim in setting the victim on fire. In view of the direct involvement of the petitioner No.2 in setting the victim on fire, we are not inclined to grant bail to the petitioner No.2.

Allegation against the other accused persons including the petitioner Nos.1 and 3 are relating to abetment of suicide. Keeping in mind the extent of complicity of the Petitioner Nos.1 and 3 in the alleged crime and in view of the period of detention suffered by them, we are inclined to grant bail to the petitioner Nos.1 and 3.

Let the petitioner Nos.1 and 3 be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Cooch Behar subject to the condition that during bail the petitioner Nos.1 and 3 shall appear before the learned trial court regularly till disposal of the trial and the petitioner Nos.1 and 3 shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner Nos.1 and 3 fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)