

19.01.2021
Item No.218
Ct.No.28
Subha
Allowed

C.R.M. 240 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Sandhya Biswas ... Petitioner.

Mr. Asraf Mondal
... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Karimpur P.S. Case No. 250 of 2020 dated 19-10-2020 under Sections 302/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 87 days and the investigation of the case has already been concluded and ended in submission of a chargesheet.

Learned advocate for the petitioner additionally submits that presently there are two accused persons, the petitioner i.e., Sandhya Biswas and also her husband Goutam Biswas.

Learned advocate for the State opposes the prayer for bail of the petitioner and draws the attention of this court to the statement of different witnesses recorded under Section 164 of the Code of Criminal Procedure.

We have considered the materials in the case diary as well as the statement of the witnesses and on perusal of the same, we find that the present petitioner was available and witnessing the incident when her husband Goutam Biswas was involved in the commission of the alleged offence.

Prima facie, there are no overt acts which can be attributed against the petitioner. Having regard to the materials available in the case diary against the present petitioner and that the chargesheet has already been submitted, we are of the opinion that further detention of the petitioner is unwarranted in the facts and circumstances of the case.

As such, the prayer for bail of the present petitioner is allowed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

The petitioner shall attend the trial court on each and every date so specified by the trial court and in case of any non-compliance of such condition, the learned trial court will be at liberty to cancel her bail without any further reference to this Court.

The application for bail being CRM 240 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)