

08.03.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Shantinikatan** Police Station Case
Sl.39 **No.89 of 2020** dated **18.06.2020** and G.D. entry no.552 of
Ct.28 18.06.2020 under Sections **302/34** of the Indian Penal Code relating
to charge sheet no.123 of 2020 dated **15.09.2020** under Sections
302/120B Indian Penal Code;

And

In re: Utpal Das & Anr.

... petitioners.

Mr. Raj Kumar Gupta

... for the petitioners.

Mr. Neguive Ahmed, Ld.APP

Mr. Anwar Hossain

Mr. Manish Sharma

...for the State.

The learned advocate appearing for the petitioners submits that the petitioner no.1 is the son of the deceased and the petitioner no.2 is the daughter-in-law. The petitioner no.2 was pregnant at the time of arrest and subsequently she gave birth to a child. The petitioner no.2 is in custody along with her baby and another minor child, who is only six years of age. The entire case is based upon circumstantial evidence and upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioners, who are in custody for about 272 days is not warranted.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer for bail and submits that the petitioners used to torture the deceased and they strangled him.

Considering the fact that the petitioner no.2 is a woman, who is presently in custody along with a minor child and a suckling baby, we are of the opinion that further detention of the petitioner no.2 is not warranted in the facts and circumstances of the case.

Accordingly, the petitioner no.2, namely, **Rekha Das @ Baishakhi Das**, 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, **Bolpur**.

However, there are materials on record which, *prima facie*, reveal the direct involvement of the petitioner no.1 in the alleged offence and in view thereof, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is rejected at this stage.

Accordingly, the application for bail being CRM No.752 of 2021, is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)