

19.03.2021

Item No.69

Ct.No.28

dc.

Allowed

C.R.M. 897 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Patashpur P.S. Case No. 285 of 2020 dated 28.07.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In Re : **Kamala Bera**

... Petitioner.

Mr. Aniket Mitra,
Sk. Sahjahan Ali

... For the Petitioner.

Mr. S. G. Mukherjee, Id. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

... For the State.

This is an application for bail in connection with Patashpur P.S. Case No. 285 of 2020 dated 28.07.2020 under Sections 498A/304(B)/34 of the Indian Penal Code at the behest of the petitioner.

The petitioner is languishing in jail for 233 days in connection with the aforementioned case. The earlier application for bail was rejected on 22.12.2020 in CRM 10370 of 2020 on the ground of complicity of the petitioner who tortured the victim lady who committed suicide.

The learned advocate for the State submits that suppressing the earlier marriage, the son of the petitioner married the victim lady again and in fact, inflicted torture upon her together with his first wife who is still absconding.

Having regard to the complicity of the petitioner to the alleged offence and the fact that the charge-sheet has already been submitted, we do not think that further custodial detention of the petitioner is necessary. We must record that the petitioner does not stand on the same footing with that of her son against whom there is the direct allegation. As such, the petitioner's prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Kamala Bera** 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 at Contai, Purba Medinipur subject to the condition that the petitioner shall attend the case on each date of listing before the learned trial court and the default on any solitary occasion without any justifiable cause, the learned trial court is at liberty to cancel the bail of the petitioner without any further reference to this Court.

The application for bail, being CRM 897 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)