

24.03.2021

CRM 1162 of 2021

Court No. 28
Item No. 95
snandy

(ALLOWED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 27.01.2021 in connection with Entally Police Station Case No. 235 of 2018 dated 10.07.2018 under Sections 120B/498A/302/304B of the Indian Penal Code. (G.R. Case No. 1795 of 2018)

and

In the matter of: **Noor Jahan Bibi @ Warsi Aunty & Anr.**

..... Petitioners

Mr. Satadru Lahiri, Advocate

Mr. Abhishek Gupta, Advocate

.....for the Petitioners

Mr. Saswata Gopal Mukherjee, Learned Public Prosecutor

Mr. Partha Pratim Das, Advocate

Ms. Manasi Roy, Advocate

..... for the State

The petitioners have filed the instant application for bail in connection Entally Police Station Case No. 235 of 2018 dated 10.07.2018 under Sections 120B/498A/302/304B of the Indian Penal Code.

The present petitioners are the mother-in-law and father-in-law of the deceased. The petitioners are in custody for a period of two years and eight months. The trial of the case is in progress and the third witness of the prosecution is being examined.

Learned Advocate for the petitioners submits that considering the period of detention, on any stringent condition the petitioners may be released on bail.

Learned Public Prosecutor opposes the prayer for bail and draws attention of the Court to the statements of different witnesses. He emphatically submits that the role of the present petitioners are questionable and pursuant to the incident which occurred, the same led to the death of the victim.

We have perused the material-on-record, statement of witnesses, and the post-mortem report. Having regard to the period of detention of the present petitioners, we are of the opinion, further detention of the petitioners is unwarranted.

As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah on the following conditions:-

- i) The petitioners shall not tamper with the evidence;
- ii) The petitioners shall not intimidate the witnesses in any manner whatsoever;
- iii) The petitioners shall make themselves available on each and every date so fixed by the trial Court;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioners the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 1162 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)