

16.07.2021

(Via Video Conference)

Court No. 28
Item No. PB - 11
nandy

CRM 1591 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 08.02.2021 in connection with Bishnupur Police Station Case No. 484 of 2020 dated 17.09.2020 under Sections 302/34 of the Indian Penal Code.

and

In the matter of: **Rahima Bibi**

..... Petitioner

Mr. Souma Subhra Roy, Advocate

.....for the Petitioner

Mr. Saibal Bapuli, learned A.P.P.

Mr. Arijit Ganguly, Advocate

Mr. Arani Bhattacharya, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Bishnupur Police Station Case No. 484 of 2020 dated 17.09.2020 under Sections 302/34 of the Indian Penal Code.

The petitioner is one of the co-accused in the aforementioned case along with the husband and her son who is a minor. The allegation against the petitioner is that she took an active part in the commission of a murder of her younger brother-in-law over a trivial domestic issue. She is in custody for nearly 299 days. It is undisputed that chargesheet has been submitted.

Learned Advocate for the State draws our attention to the statement of the so-called eyewitnesses recorded under Section 164 of the Code of Criminal Procedure and post-mortem report.

After perusing the statement of the so-called eyewitnesses recorded under Section 164 of the Code of Criminal Procedure and the role of the petitioner in commission of such offence, it appears that the husband of the petitioner is the principal accused who is already in custody. The commission of offence attributable to the petitioner's conduct does not inspire us that any further detention and/or custody is warranted.

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

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore;
- ii) The petitioner shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioner shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner 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 1591 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

