

(Via Video Conference)

CRM 2108 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Goghat Police Station** Case No. **29 of 2009** dated **24.02.2009** under Sections **498 (A)/304(B)** of the Indian Penal Code.

- A n d -

In the matter of : Sultana Begam

.... Petitioner.

Mr. Pratip Mukherjee
Mr. Omar Faruk Gazi
Mr. Sk. Ashique-Ul Islam

... For the Petitioner.

Mr. Z.N. Khan
Mr. Ashok Das

... For the State.

The petitioner is the first wife of the prime accused. She says that the prime accused person married a second time and threw the petitioner out of the family home. The victim is the second wife of the prime accused person.

The petitioner says that she used to live in her paternal house after being thrown out from her husband's house. She has absolutely no role to play in the death of the victim

We have perused the material in the case diary.

We are told that recording of evidence is in progress. The State says that the petitioner was absconding for 12 years and if enlarged on bail, she is again likely to flee.

Having considered the facts and circumstances of the case and the fact that the petitioner has been in custody for 315 days and it is anybody's guess as to when the trial will

conclude, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner 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, Arambagh, Hooghly and on further conditions that she shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)