

11.06.2021

(Sl. No. 134)

Ct. No. 28

(S. Banerjee/TB)

CRM 2901 of 2021

(through Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Gazol Police Station Case No. 414 of 2020 dated 11.04.2020 under Sections 341/376/307/201/506 of the Indian Penal Code, 1860.

And

In the matter of: Sohagi Bibi

...petitioner

Mr. Sagar Saha

... for the petitioner

Mr. Rana Mukherjee
Mr. Santanu Chatterjee

... for the State

Leave is granted to the petitioner to correct the cause-title in course of the day.

Counsel for the petitioner submits that his client is the wife of the principal accused under Section 376. Charges against the petitioner have been levelled under Section 201 and 506 of the Indian Penal Code. The same is continuing in the charge-sheet.

There is apparent contradiction between the statement of the complainant in the examination-in-chief and the statement under Section 164 of the Code of Criminal Procedure. Since the petitioner is in custody for more than 276 days and since the aforesaid two sections are bailable in nature, the application under Section 439 of the Code of Criminal Procedure is allowed.

Hence, the petitioner shall be enlarged on bail upon furnishing 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 Chief Judicial Magistrate, Malda, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate

witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the police station except for the purpose of the investigation and attending court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the investigating officer and if he do not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioner fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)