

CRM 2907 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saktipur Police Station Case No.120 of 2020 dated 12-09-2020 under Sections 498A/304B/302/120B/34 of the Indian Penal Code.

- A n d -

In the matter of : Tajfia Bibi @ Rajfiya Bibi @ Ajfia bibi
.... Petitioner.

Mr. Sarwar Jahan,
Mr. Anisur Rahman

... For the Petitioner.

Mr. Saswata Gopal Mukherji, learned P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy

... For the State.

Mr. Somnath Adhikary

... For the defacto complainant.

The petitioner is the first wife of the husband of the victim lady (second wife) who is stated to have expired due to administration of poison. Her son from her first marriage has also expired in the same incident.

It is submitted on behalf of the petitioner that she had no role to play in the death of the two victims and has been falsely implicated. The parents-in-law of the victim have been granted bail earlier.

The State refers to the Case Diary including the statement of witnesses. The post mortem report of the mother says that she died due to poison. The report is silent with regard to the cause of death of the child.

We have considered the material on record. The allegation against the petitioner is omnibus in nature. The mother-in-law, who is on the same footing as the petitioner, has been granted bail earlier.

Having regard to the facts and circumstances of the case and the material in the Case Diary, we are inclined to hold that further detention of the petitioner, who is in custody for about 325 days, is not necessary. Charge-sheet has also been submitted.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Murshidabad. 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. The petitioner shall remain within the jurisdiction of the local police station.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM 2907 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**