

03.06.2021

Sl. No.9

Court No.30

BM

CRM 3159 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 6th April, 2021 in connection with Md. Bazar Police Station case No.12 of 2021 (G.R Case No.38 of 2021) pending before the learned Additional Chief Judicial Magistrate, Suri, Birbhum.

And

In the matter of: Soumi Das

... Petitioner

Mr. Mahandar Prasad Gupta

Mr. Pradip Kumar Ghosh

Mr. Kuntal Banerjee ... for the petitioner

Mr. Binay Kumar Panda

Ms. Pushpita Saha ... for the State

The charges against the petitioner is that the petitioner and her husband had strangulated her mother-in-law and accordingly criminal case was initiated bearing Md. Bazar Police Station Case No.12 of 2021 dated 11th January, 2021 in connection with G.R Case No.38 of 2021 under Sections 302 and 34 of the Indian Penal Code. It is also submitted that charge sheet has already been filed on March 6, 2021 before the jurisdictional criminal court.

Learned counsel for the petitioner submits state that she has no involvement at all in the instant case as she used to resides in her father's house at Rampurhat for the purpose of education of her daughter aged 7 years, a student of upper KG at St. Paul's School, Vidyadanga, Rampurhat, Birbhum.

The husband of the petitioner is in custody. The petitioner is also in custody for about 151 days.

Learned State counsel produces the case diary before this court. He draws our attention to pages 11, 12, 13 of the case diary which are the statements of neighbours under Section 161 of the Code of Criminal Procedure and to the statement of neighbour recorded under Section 164 of the Code and to the post mortem report at page 40 of the case diary which confirms the death by strangulation along with other related medical features.

Although, the materials on the case diary reflects that the offence stands on a graver footing but having regard to the statement of the witness under Section 164 of the Code of Criminal Procedure and on considering the submission made on behalf of the parties particularly the statements under Section 161 and 164 of the Code as referred to above of the case diary and also considering that the daughter of the petitioner aged 7 years of old needs to be looked after during this pandemic situation by her mother, the petitioner namely, Soumi Das be admitted on bail upon furnishing bond of Rs.10,000/- with two sureties of Rs.5,000/- each one of whom must be local and to the satisfaction of the jurisdictional criminal court at Birbhum.

It is further made clear that the petitioner must attend every dates of trial and any violation of any such condition or any unexplained absence in the trial will entitle the jurisdictional criminal court to cancel the bail without further reference to this Court.

The application for bail is accordingly allowed.

CRM 3159 of 2019 is thus disposed of.

(Aniruddha Roy, J.)

(Shivakant Prasad , J.)