

28.07.2021

Court No.28
Item No.37
(ALLOWED)

Ab/Saswata

CRM 3359 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 12.04.2021 in connection with Faridpur Police Station Case No. 87 of 2020 dated 09.11.2020 under Section 302 of the Indian Penal Code;

And

In the matter of : **Sulochana Show.**

...Petitioner

Mr. Kunal Ganguly,
Mr. Shamin Chatterjee.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

... For the State

The 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 under Section 439 of the Code of Criminal Procedure in connection with Faridpur Police Station Case No. 87 of 2020 under Section 302 of the Indian Penal Code.

The mother of the deceased has filed the application for bail having apprehended in connection with the aforesaid case on the pretext of contract killing. The statement of the witnesses recorded under Section 161 and Section 164 of the Code of Criminal Procedure revealed the complicity of the petitioner to the alleged murder of her son, which, in our opinion, is based on circumstantial evidence. Furthermore, the mother, who is 53 years of age, is languishing in jail for nearly 250 days. The charge-sheet has already been submitted. Though her elder son is also apprehended in

connection with the aforesaid case but we do not find her to stand on the same pedestal that of her elder son.

Since the charge-sheet has already been submitted, we do not find any justification in keeping the petitioner in custody. The prayer for bail of the petitioner is allowed.

Accordingly, 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 the learned Additional Chief Judicial Magistrate, Durgapur, Paschim Bardhaman, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 3359 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)