

16.07.2021

Court No.28
Item No.363

Akd/Ab

CRM 4274 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 21.06.2021 in connection with Chanditala Police Station Case No. 198 dated 11.08.2020 under Sections 498A/302/34 of the Indian Penal Code (G.R. Case No. 999 of 2020);

And

In the matter of : **Loxi Das @ Laxmi Das.**
...Petitioner

Mr. Navnil De,
Mr. Rajeshwar Chakraborty.

...For the Petitioner

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A. K. Dutta.

... For the State

This matter is taken up out of turn on mentioning of the learned Advocate for the petitioner.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanditala Police Station Case No. 198 under Sections 498A/302/34 of the Indian Penal Code.

It is submitted that the petitioner is the mother in-law of the victim lady and aged about 58 years and is languishing in jail since last 148 days. The charge-sheet has been submitted and there is no occasion to keep her in custody, more particularly, when her husband has already been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioner has played an active role in commission of offence and, therefore, the application deserves to be dismissed.

After hearing the respective submissions and on perusal of the

evidence of the minor victim boy recorded under Section 164 of the Code of Criminal Procedure and the role attributable to her conduct in commission of offence, we find that the petitioner stands on same footing that of her husband.

Since the husband of the petitioner has already been enlarged on bail by this Court on 4th January 2021 in CRM 10734 of 2020 and considering the age of the petitioner, we do not think that further custody of the petitioner is required, more particularly, when the charge-sheet has already been submitted.

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, Serampore, Hooghly, 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 4274 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)