

56. 24.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4396 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **30/06/2021** in connection with Criminal Misc. Case No. **285/2021** arising out of **Dankuni Police Station Case No. 79 of 2021** dated **11/03/2021** under Sections **498A/304B/34** of the Indian Penal Code.

And

In the matter of: - **Kalpana Roy**

....petitioner.

Mr. Chittapriya Ghosh,
Mr. Somesh Kumar Ghosh,
Ms. Priyanka Saha

...for the petitioner.

Mr. S. G. Mukherji, Ld. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra

...for the State.

Leave is granted to the petitioner's learned Advocate-on-Record to correct the cause title.

The petitioner is the mother-in-law of the victim lady. She is in custody for 165 days.

The petitioner says that the incident was an accident. The petitioner had no role to play in the death of the victim lady.

Learned Counsel for the State produces the Case Diary. We have seen the statements of witnesses as also the injury report. Such report says that the incident may be a result of accident.

Having considered the facts and circumstances of the case and the possible degree of complicity of the petitioner in the alleged offence and also in view of the fact that charge-sheet has

already been submitted, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Serampore, Hooghly, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which she resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 4396 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)