

CRM 7734 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sakila Sk. & Ors.

.....Petitioners

Mr. Suman De
Mr. Ranjit Singh

.....for the Petitioners

Ms. Faria Hossain
Ms. Baishali Basu
Ms. Sonali Das

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Domjur P.S. Case No. 42/2021 dated 18/01/2021 under sections 498A/302/304B/34 of the Indian Penal Code.

Mr. Suman De, learned lawyer representing the petitioners submitted that charge sheet has been submitted, which fact alone does not warrant custodial detention more so when the present petitioners are the mother-in-law, father-in-law and brother-in-law of the victim who have no participation in the alleged crime. They are not the principal accused. Accordingly, bail is prayed for.

Per contra, Ms. Sonali Das, learned lawyer representing the State submitted that strong incriminating elements are there in the case diary and invited our attention to the seizure list,

inquest report, post mortem report, statement of witnesses, on the strength of which she submitted that the present petitioners should not be released on bail.

We have heard rival submissions and perused the case diary and other materials. Although there are strong incriminating materials indicating commission of a serious and grievous crime incriminating materials against the present petitioners are not so pronounced and strong. Since charge sheet has been filed and they are in prolonged custody, further custodial detention is not necessary.

Accordingly, we allow this application and direct that the petitioners, namely, **Sakila Sk, Golam Mustafa** and **Sk. Sakil**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah with further condition that the petitioners shall not leave the jurisdiction of Domjur Police Station without prior permission of the I/C Domjur save and except for attending the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 7734 of 2021, is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)