

CRM No.7799 of 2021

Via video conference

20.12.21

(S.R.)

Sl.22

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chanchal** Police Station Case No.572 of 2021 dated 14/07/2021 under Sections 498(A)/302/201 of the Indian Penal Code (G.R. Case No.1620 of 2021);

And

In re: Nuseba Khatun @ Nashima Khatun ... Petitioner.

Mr. Rana Mukherjee

Mr. Amanul Islam

Mr. Arup Sarkar

Mr. Kaustav Bagchi

Mr. Debayan Ghosh

... for the petitioner.

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. She is the granddaughter of the victim's husband. No overt act has been attributed to her. Upon completion of investigation charge sheet has also been submitted. In view thereof, further detention of the petitioner, who has already suffered incarceration for about 145 days, is not necessary.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code and the post mortem report. He further submits that there are strong incriminating materials against the petitioner, as such she is not entitled to the relief, as prayed for.

Having heard the learned advocates and considering the materials on record, the nature of accusations, the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention is not warranted, more so when she is a lady and,

prima facie, there is no likelihood that she would flee from justice or delay the trial by abscondence.

Accordingly, 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 the Learned Additional Chief Judicial Magistrate, Chanchal, Malda with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

The application for bail being CRM No.7799 of 2021 is, accordingly, 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.)