

24.12.2021
Court No.32
Item No. 32
Avijit Mitra

C.R.M. 8016 of 2021

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

And

In Re : Chabila Bibi

.... petitioner

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose

...for the petitioner

Mr. S.G. Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

...for the State

The present application under Section 439 of the Code of Criminal Procedure is filed in connection with Serampore Police Station Case No.367 of 2019 dated 17.08.2019 under sections 498A/326/307/120B of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

Learned lawyer representing the petitioner submitted, that the petitioner is in custody for about 151 days. She is a lady having a child. Chargesheet has been filed. Therefore, according to him, further detention of the petitioner is not necessary. Accordingly, he prays for bail.

Mr. Das, learned lawyer representing the State invited our attention to the statement of the victim recorded during his

lifetime as well as the statements of the son and daughter of the victim.

We have perused the case diary and on perusal of the case diary we find ambiguity in respect of the role of the present petitioner in the alleged offence. However, since chargesheet has been filed and the petitioner is a lady having a child, further detention is not necessary. Therefore, we are inclined to allow the bail.

Accordingly, we allow this application and direct that the petitioner, namely, **Chabila Bibi**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore with a further condition that the petitioner shall attend the learned Court below on all the dates as specified for hearing.

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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8016 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)

