

04.03.2022

Court No.32
rpan / 33

C.R.M. (DB) 236 of 2022

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

And

In Re.: **Monura Bibi @ Azmira @ Azmira Bibi**

- Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Bhaskar Hutait
... for the Petitioner.

Mr. Rudradipta Nandy
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kalna Police Station Case No.724 of 2021 dated 23.09.2021 under Sections 302/120B of the Indian Penal Code, 1860.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the entire case is based upon circumstantial evidence. The principal accused, being one Manik Mondal, has already been enlarged on bail. The petitioner, who is a female family member, is languishing in custody for more than 160 days. Upon completion of investigation charge sheet has also been submitted and as such, her further detention may not be necessary, more so when there is no possibility that she would flee from justice or delay the trial by abscondence.

Mr. Nandy, learned advocate appearing for the State strongly opposes the petitioner's prayer and submits that there are records which clearly reveal the direct nexus of the petitioner with the

alleged offence. In support of such contention he has placed reliance upon the call detail records and the statements of the witnesses.

Heard the learned advocates appearing for the respective parties.

Upon assessing the materials in the case diary it, *prima facie*, appears that Manik Mondal is the principal accused and the extent of petitioner's alleged complicity is lesser than that of Manik Mondal, who has already been granted bail. Considering the manner in which the offence has taken place, the petitioner's position in relation to the alleged incident and since upon completion of investigation, charge sheet has been submitted, we are of the opinion that further detention of the petitioner, who has already suffered incarceration for more than 160 days, is not necessary. The petitioner is a female family member and *prima facie*, there is no possibility that she would flee from justice.

Accordingly, we allow this application and direct that the petitioner, namely, **Monura Bibi @ Azmira @ Azmira 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, Kalna, Purba Barddhaman with a further condition that she shall not leave the jurisdiction of Kalna Police Station until further orders.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall

not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 236 of 2022 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.)