

08.06.2022  
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allowed

**CRM(DB) 1397 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 199 of 2022 dated 17.04.2022 under Sections 448/325/302/34 of the Indian Penal Code.

And

In Re : Pinki Khatun @ Pinki Bibi ..... petitioner

Ms. Minoti Gomes  
Md. Hafiz Ali

.....for the petitioner

Mr. Neguive Ahmed, learned APP  
Ms. Ayantika Roy

..... for the State

Mr. Manas Kumar Das

.... for de facto complainant

It is submitted by the learned Counsel appearing for the petitioner that she is a lady and is suffering from cardiac ailments. She is not the principal assailant and has been falsely implicated in the instant case being a family member of the principal accused, namely Amir Sk.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner was a member of the unlawful assembly one of whom i.e. Amir Sk. assaulted the victim who died. Others had also suffered from injuries.

Learned Counsel appearing for the de facto complainant submits that the principal accused i.e. Amir Sk. had taken money from the de facto complainant and others to procure visa. When they demanded refund of money, victims were assaulted by the said Amir Sk. and others including the petitioner.

We have considered the materials on record. Although presence of the petitioner is noted in the statements of the witnesses she does not appear to be the principal assailant. That apart, petitioner is a lady who is suffering from cardiac ailments.

In view of the aforesaid facts, we are inclined in granting bail to her.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**