

26.05.2022
Court No.05
Item No. 34
D.C/AM

C.R.M. (DB) No.1425 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Tehatta Police Station Case No.519 of 2021 dated 06.10.2021 under Sections 364/376(D)/302/34 of the Indian Penal Code;

And

In Re : Buli Sardar

Petitioner

Mr. Koustav Bagchi,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Debayan Ghosh,
Ms. Priti Kar

For the Petitioner

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee

For the State

Learned counsel for the petitioner contends that the other two ladies who are co-accused with the petitioner and stand on a similar footing, have been granted anticipatory bail. That apart, the male accused persons, against whom the primary allegations were levelled, are also out on bail/have got anticipatory bail.

It is contended that the petitioner, being on equal footing as the other co-accused persons and on better footing in so far as the male accused persons are concerned, is also entitled to get bail.

Learned counsel appearing for the State objects to such prayer and submits that there were incriminating statements against the statement recorded under Section 164 of the Code of Criminal Procedure, as opposed to the other co-accused women who have been granted anticipatory bail. As such, it is argued that

the petitioner does not stand on a similar footing as them. Moreover, the petitioner's application for bail was previously rejected on February 22, 2022.

Upon considering the materials, we find from the complaint lodged in the matter that the tenor of allegations against the petitioner and that of the other co-accused ladies are on a similar footing.

Since the petitioner is already in custody for 231 days, we are inclined to grant bail to the petitioner.

Apart from the above consideration, we find from the materials on record that the allegations levelled against the petitioner were primarily vague in premise, inasmuch as assumptions of guilt were resorted to in levelling such allegations.

Hence, CRM (DB) 1425 of 2022 is allowed, thereby releasing the petitioner on bail on condition that the petitioner furnishes a bond of Rs. 5,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to any police officer or the Court and/or tamper with evidence in any manner whatsoever.

The petitioner shall make herself available as and when required for the purpose of investigation by the Investigating Officer.

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

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)