

17.06.2022
tkm/ct 28
sl no. 80

C.R.M. (DB) 1862 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kolkata Leather Complex P.S Case no. 109 of 2021 dated 15.10.2021 under sections 302/201/34 IPC
And

Allowed

In Re : Muslima Gazi petitioner

Mr. Sandipan Ganguly, Sr Adv
Mr. A Chakraborty
..... for the petitioner

Mr. N Ahmed
Ms. Ayantika Roy
..... for the State

Petitioner is in custody for 245 days. It is submitted on behalf of the petitioner that she had been subjected to torture by her husband (the deceased herein). Her husband had even tried to ravish their daughter in law.

Learned lawyer for the State opposes the prayer for bail and submits that victim made judicial confession before the magistrate admitting her guilt.

We have considered the materials on record. Petitioner was a victim of continuous torture at the hand of the deceased husband. He had even tried to ravish their daughter-in-law. Unable to bear such torture she had murdered him. Issue of culpability of the petitioner is to be decided in the course of trial. However, considering the agonizing torture meted out to her and the immoral conduct of the deceased, on equitable principles and as petitioner is a woman and there is little possibility of her winning over witnesses or absconding, we are inclined to grant bail to her.

Accordingly, the petitioner 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 ACJM, Baruipur, South 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application being CRM (DB) 1862 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)