

27.06.2022
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 1885 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2022 in connection with Hanskhali Police Station Case No. 237 of 2017 dated 04.08.2017 under Section 302 of the Indian Penal Code. (G.R. Case No.1457 of 2017)

And

In Re: ***Jharna Sardar Rajwar***

... .. Petitioner

Ms. Sananda Bhattacharyya

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for more than four years. It is further submitted petitioner tried to commit suicide after the death of her child and she has been falsely implicated in the instant case.

Report is placed on record. Learned advocate appearing for the State submits that petitioner with the aid of her paramour had murdered the victim child. The paramour has been added as an accused in the case and date has been fixed for consideration of charge so far as the said paramour viz. Biswa Sardar is concerned.

We have considered the materials on record. Petitioner was in the house where her son died due to smothering. She also tried to commit suicide. Although the allegation is grave, attending circumstances prima facie gives an impression that the incident occurred while petitioner was in a fit of passion. Under such circumstances, period of detention suffered by the petitioner and as possibility of trial concluding in near future is bleak, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Jharna Sardar Rajwar***, 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, Ranaghat, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)