

01.08.2022
tkm/ct 28
sl no. 40

C.R.M.(DB) 2571 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S Case No. 768 of 2021 dated 5.11.2021 under sections 447/326/307/34 of the Indian Penal Code added section 302 IPC

And

Allowed

In Re : Kakali Biswas petitioner

Ms. M Gomes

..... for the petitioner

Mr. S G Mukherjee, Id PP

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Mr. Sabir Ahmed

Mr. Apan Saha

Mr. S Sarkar

..... for the de facto complainant

Petitioner is in custody for 110 days. It is submitted on behalf of the petitioner that she is not the principal accused.

Learned lawyer for the State opposes the prayer for the bail.

Learned lawyer for the de facto complainant also opposes the prayer for the bail and submits accused persons are threatening witnesses. Proceeding under Article 226 of the Constitution of India has been instituted before this court on such score.

We have considered the materials on record. Incident occurred in the course of sudden quarrel. Petitioner is not the principal assailant. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the fact that she is a lady, we are inclined to grant bail to the petitioner, however, subject to conditions.

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, Ranaghat, Nadia 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 and on further condition that the petitioner shall not enter the jurisdiction of Hanskhali P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where she shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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

The application being CRM (DB) 2571 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)