

12.08.2022
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allowed

CRM(DB) No. 2728 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur Police Station Case No. 30 of 2022 dated 30.01.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Santana Nath petitioner

Mr. Raju Mondal

.....for the petitioner

Mr. Neguive Ahmed, learned APP

Ms. Trina Mitra

..... for the State

Learned Counsel appearing for the petitioner submits she is in custody for 194 days. It is also submitted that petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had illicit affair with the victim. Subsequently victim was murdered by her husband. Petitioner was the conspirator.

We have considered the materials on record. Whether petitioner was a conspirator in the murder requires to be assessed in the backdrop of the attending facts of the case. Bearing in mind the extent of complicity of the petitioner in the alleged crime, period of detention suffered by her and as she is a lady, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Paschim Bardhaman, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)