

25.08.2022
cm/ct 28
sl no. 10

C.R.M. (DB) 2853 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taldangra P.S. Case No. 12 of 2022 dated 26.02.2022 Sections 498A/304(B) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and after filing of charge sheet being charge sheet no. 19 of 2022 dated 27.04.2022 under Section 498A/306 of the Indian Penal Code.

Allowed

In Re : Dipali Majhi.

..... petitioner

Mr. Samiran Mandal
Mr. Abhinaba Dan

..... for the petitioner

Mr. Debabrata Chatterjee, Ld. A.P.P.
Ms. Mousumi Sarkar

..... for the State

Petitioner is in custody for 179 days. It is submitted that she has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits victim housewife suffered unnatural death due to poisoning within one year of marriage.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. There is no direct evidence that the petitioner who is mother-in-law of the victim housewife had administered poison to the victim. Recovery of the poison bottle was on the leading statement of the father-in-law i.e. Sidhu Maji.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by her, 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 Additional Chief Judicial Magistrate, Khatra, Bankura 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) No. 2853 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)