

17.01.2022
Court No.32
Item No. 07
Avijit Mitra

C.R.M. 8359 of 2021 (Through video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Serina Khatun

.... petitioner

Mr. Niladri Sekhar Ghosh

...for the petitioner

Mr. Binay Panda,

Ms. Puspita Saha

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Arambagh Police Station Case No.266 of 2021 dated 01.07.2021 under sections 302/34 of the Indian Penal Code.

Mr. Ghosh, learned advocate appearing for the petitioner submits that about 15 days after the alleged incident, an application under Section 156(3) of the Code was preferred and thereafter the complaint was registered. The said delay has not been properly explained. The petitioner has already suffered incarceration for about 187 days and there is no possibility towards conclusion of the trial in the near future.

He further submits that the petitioner has a minor child and there is no possibility that she would flee from justice.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the *post-mortem* report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The petitioner is a lady and *prima facie* there is no possibility that she would delay the trial by abscondence. Considering the manner in which the offence has taken place, the nature of accusations and the fact that the petitioner has a minor child, we are of the opinion that she may be enlarged on bail more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Serina Khatun**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8359 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J) (Tapabrata Chakraborty, J)

