

31.01.2022

Court No.32
rpan/ 11

CRM 8436 of 2021

[Through Video Conferencing]

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

And

In Re : **Arati Rajowar**

- Petitioner

Mr. Prabir Majumder,
Mr. Snehansu Majumder
... for the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kaliganj Police Station Case no.352 of 2021 dated 03.07.2021 under Sections 302/34 of the Indian Penal Code, 1860.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was a dispute amongst the parties pertaining to cultivation of a particular plot of land. No specific overt act has been attributed to the petitioner, who is presently 61 years old and there is also no possibility that she would flee from justice. He further submits that the petitioner has already suffered incarceration for about 204 days and charges have not been framed as yet. In view thereof, she may be enlarged on bail on any stringent condition.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code. He further submits that there are strong incriminating materials against the petitioner and as such, she is not entitled to the relief as prayed for.

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

It appears that the petitioner is a female member of a family and is aged about 61 years. She had already suffered incarceration for about 204 days and though upon completion of investigation charge sheet has been submitted, but charges have not been framed.

Considering the manner in which the offence has taken place and as, *prima facie*, there is no possibility that the petitioner would flee from justice or delay the trial by abscondence, we are of the opinion that she may be enlarged on bail.

Accordingly, we allow this application and direct that the petitioner, namely, **Arati Rajowar**, shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8436 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)