

07.02.2022

Court No.32
rpan/**28**

CRM 8763 of 2021

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

And

In Re.: **Uma Chakraborty @ Mampi**
- Petitioner

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Souvik Das,
Ms. A. Banerjee
... for the Petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Naihati Police Station Case no.399 of 2021 dated 20.09.2021 under Sections 306/34 of the Indian Penal Code, 1860.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on a purported plea that she had a relationship with the victim and she had instigated the death of the victim. Upon completion of investigation charge sheet has been submitted. As such, further detention of the petitioner, who is in custody for 123 days, is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of other witnesses as well as the suicidal note, left by the victim.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, whether the acts of the petitioner, *per se*, would constitute abetment of suicide is the matter to be decided at the appropriate stage of the proceedings. Considering the nature of accusations, the period of detention already suffered by the petitioner and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted, more so when, upon completion of investigation, charge sheet has been submitted and the petitioner is a lady, *prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that the petitioner, namely, **Uma Chakraborty @ Mampi**, 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, Barrackpore, North 24-Parganas.

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 8763 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)