

13.09.2022.
16.
as
(Allowed)

C.R.M. (DB) 3085 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Minakhan P. S. Case No.291 of 2021 dated 08.10.2021 under Sections 498A/302/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

In the matter of : Rinu Bibi.

.... Petitioner.

Mr. Satadru Lahiri,
Mr. Sardar Azam.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Aniket Mitra.

...for the State.

Petitioner is in custody for 56 days. It is submitted there is no direct evidence connecting her with the murder. Investigation is complete. Co-accuseds are on bail. She prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits Habiba Khatun, daughter of the petitioner had an affair with one Samser Sardar, husband of the deceased. Petitioner in conspiracy with the said accuseds committed the said murder.

We have considered the materials on record. There is no direct evidence implicating the petitioner. Son of the deceased is a post occurrence witness. His statement shows petitioner and other accuseds were in the room when he arrived and found her father dead. It is contended petitioner is a neighbour and had come to the place of occurrence after the incident.

Statement of the son of the deceased requires to be assessed in the light of the aforesaid submission on behalf of the defense.

Keeping in mind the aforesaid facts and as co-accuseds are on bail and investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Paraganas subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)