

11.02.2022
Item No.25
Court No.32
ss

C.R.M. 8971 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Asima Das @ Asima Ruidas

... Petitioner.

Mr. Mrityunjoy Chatterjee
Mr. Sreejit Basu Roy

... for the Petitioner.

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Partha Pratim Das
Mrs. Manasi 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 Sankrail P.S. Case No. 916 of 2020 dated 29.09.2020 under Sections 498A/304B/306/34 of the Indian Penal Code.

Mr. Chatterjee, learned Advocate appearing for the petitioner submits that the petitioner is the mother-in-law of the brother-in-law of the deceased. She is an aged lady. She is residing at a separate mess and she had no involvement in the alleged offence. She has already suffered incarceration for about 90 days and upon completion of investigation, charge-sheet has also been submitted. In the said conspectus, she may be enlarged on bail.

Mrs. Roy, learned Advocate appearing on behalf of the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as well as 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 female member of a family and is aged presently about 57 years. *Prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence. Considering the nature of accusations, the period of detention already suffered by the petitioner and the possible extent of her complicity in the alleged offence, we are of the opinion that her further detention is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Asima Das @ Asima Ruidas**, 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 Chief Judicial Magistrate, Howrah.

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 her bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8971 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.)