

15.09.2022.
32.
as
(Allowed)

C.R.M. (DB) 3121 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bouria P. S. Case No.05 of 2022 dated 20.01.2022 under Sections 302/120B of the Indian Penal Code.

In the matter of : Keya Sarkar.

.... Petitioner.

Mr. Ujjal Ray.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Petitioner is in custody for 235 days. She submits there is no direct evidence that she had murdered the deceased. Deceased had come to the flat of the petitioner and misbehaved. Subsequently, he committed suicide. She prays for bail.

Mr. Neguive Ahmed, learned Additional Public Prosecutor opposes the prayer for bail. He submits petitioner had illicit relation with the deceased. Deceased came to her flat and she pushed him from the balcony resulting in his death. Petitioner through her daughter took a false plea that she had been assaulted. Arrest memo and other materials show she did not suffer injury.

We have considered the materials on record. From the materials collected during investigation, it appears the deceased had come to the flat of the petitioner. Statements of witnesses show there was a relationship between them. Hence,

his presence in the flat cannot be said to be unnatural. Whether the false plea of the petitioner that she had been assaulted by the deceased immediately prior to the incident would be sufficient to irresistibly point the finger of guilt at her requires to be assessed in the light of the other attending circumstances during trial. There is no direct evidence that petitioner had pushed the deceased.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner and as there is little possibility of her absconding the process of law, 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, Uluberia, Howrah 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.)

