

28.09.2022.
39.
as
(Allowed)

C.R.M. (DB) 3281 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P. S. Case No.740 of 2021 dated 26.11.2021 under Sections 498A/302/304B/120b/34 of the Indian Penal Code.

In the matter of : Shima Chowdhury @ Sima.
.... Petitioner.

Mr. Tapan Datta Gupta,
Mr. Parvej Anam.
...for the Petitioner.

Mr. S. G. Mukherjee, ld. P.P.,
Mr. P. P. Das,
Ms. Manasi Roy.
...for the State.

Petitioner is in custody for 237 days. She submits she is not the principal accused. She prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits earlier. However, there is no progress in the matter since then. It is unclear whether the petitioner who is the sister-in-law had stabbed the deceased. Co-accused/husband of the deceased was also present at the place of occurrence and is presently in custody.

Under such circumstances and in view of the fact that petitioner is a lady and there is no progress in the matter since the rejection of bail by this Court, 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 Chief Judicial Magistrate, Uttar Dinajpur at Raiganj subject to condition that she 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.)