

CRM(DB) No. 3436 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamboni Police Station Case No. 112 of 2021 dated 14.11.2021 under Sections 302/201 of the Indian Penal Code.

And

In Re : Smtya Laxmi Hembram(Murmu) petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Dipanjan Dutt

.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

Learned Counsel appearing for the petitioner submits she is in custody for 290 days. It is submitted that there is no direct evidence connecting her with the murder of her own son. She prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the murder. Statements of the witnesses that the petitioner was seen with her minor son may not be a clinching circumstance in view of the close relationship between the parties. Other circumstances relied by the State are also ambivalent.

In view of the aforesaid materials on record and the period of detention suffered by the petitioner, we are inclined to grant bail to her.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.2,000/-(Rupees two Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jhargram, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)