

30.09.2022.
43.
as
(Partly
Allowed)

C.R.M. (DB) 3463 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhargram P. S. Case No.64 of 2022 dated 28.02.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Manju Dolai & Anr.

.... Petitioners.

Mr. S. Ganguly, Sr. Adv.,
Mr. D. Dutt.

...for the Petitioners.

Mr. N. Ahmed, Id. A.P.P.,
Ms. T. Mitra.

...for the State.

Petitioners are in custody for 125 days. It is contended petitioner no.1 is 27 weeks' pregnant. There is no direct evidence connecting the petitioners with the crime.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and other incriminating articles recovered pursuant to the leading statements of the petitioners implicate them in the crime.

Hence, we are not inclined to grant bail to the petitioners on merits.

However, petitioner no.1 is 27 weeks pregnant. In view of the health condition of the petitioner No.1, we are inclined to grant bail to her.

Accordingly, the petitioner No.1 shall be released on bail upon furnishing a bond of Rs.2,000/- with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Jhargram 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 No.1 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.

However, we refuse bail prayer of the petitioner no.2 on merits.

Accordingly, prayer for bail of the petitioner no.2 is rejected.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)