

14.12.2022
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 4382 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Nakasipara Police Station Case No.664 of 2022 dated 27.08.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Tumpa Modak & Anr.***

... .. Petitioners

Ms. Mallika Manna
Mr. Sumanta Das

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 109 days. It is further submitted incident occurred over a dispute regarding construction of a wall. It is also submitted petitioners have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail and submits victim was indiscriminately assaulted by the accused.

We have considered the materials on record. Parties are related to one another. There was a dispute over construction of a wall. Petitioners are the women folk of the family. Whether they intend to murder the deceased requires to be assessed in the backdrop of the aforesaid circumstances during trial. Keeping in mind the aforesaid facts, period of detention suffered by the petitioners and as investigation is complete, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Tumpa Modak & (2) Dipika Modak**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)