

23.12.2022
tkm/ct 28
sl no. 102

C.R.M. (DB) 4613 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Salanpur P.S case no. 170 of 2022 dated 29.7.2022 under sections 363/365 of the IPC added sections 302/201/34 of the IPC
And

Allowed

In Re : Bhadu Bouri @ Kate Soren petitioner

Mr. Suman Dey
Mr. A Bhattacharjee
Mr. T Mukherjee
Mr. Kunal Ganguly

..... for the petitioner

Ms. Z N Khan
Mr. Asif Dewan

..... for the State

Petitioner is in custody for 149 days. It is contended she had an illicit affair with the deceased. Out of grudge the co-accuseds i.e her husband and sister in law murdered him. She has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits petitioner stands on the same footing with co-accuseds. Bail prayer of one of the co-accuseds i.e. sister in law of the victim has been turned down.

We have considered materials on record. Petitioner had an illicit affair with the deceased. This was the motive to commit the murder. In this backdrop it has to be determined whether it is likely she would enter into a conspiracy with others to commit murder. Recoveries on the basis of joint disclosures also require to be assessed from the aforesaid perspective.

Keeping in mind the aforesaid peculiar circumstance which renders the role of the petitioner as a conspirator improbable, we

are of the opinion she does not stand on the same footing with other co-accuseds and she may be granted bail.

Accordingly, the petitioner 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 CJM, Paschim Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application being CRM (DB) 4613 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)