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Partly Allowed

CRM (DB) No. 328 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 151 of 2022 dated 08.04.2022 under Sections 448/323/325/326/302/34 of the Indian Penal Code.

And

In Re : Basanti Pramanik & Ors.

..... petitioners

Mr. Niladri Sekhar Ghosh

Ms. Sutanuka Chauduri

Ms. Sompurna Chatterjee

Mr. Sourav Mondol

..... for the petitioners

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

....for the State

It is submitted by the learned Counsel appearing for the petitioners that they are in custody for 295 days. It is also submitted that there was a free fight amongst two families. All the female members have been implicated. They pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits bail prayer of petitioner no. 1 was rejected in July, 2022. Co-accuseds are absconding.

We have considered the materials on record. There is no progress in the matter since rejection of bail of petitioner no. 1 in July, 2022. Petitioner nos. 1, 5 and 6 are female members of the family. There is no possibility of their abscondence. Allegations against them are general and omnibus.

Under such circumstances taking into consideration the fact that they are women, we are inclined to grant bail to petitioner nos. 1, 5 and 6.

Accordingly, we direct that petitioner nos. 1, 5 and 6 viz. Basanti Pramanik, Archana Pramanik and Kakali Pramanik shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly, subject to the condition that the petitioner nos. 1, 5 and 6 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, petitioner nos. 1, 5 and 6 fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner nos. 1, 5 and 6 namely Basanti Pramanik, Archana Pramanik and Kakali Pramanik are concerned.

However, bail prayer of the other petitioners that is, petitioner nos. 2, 3 and 4 namely Ramapada Pramanik, Shyam Pramanik @ Shyampada Pramanik and Uday Pramanik is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

