

09.02.2023

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Allowed

C.R.M. (DB) No. 538 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No. 01 of 2022 dated 01.01.2022 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Lilufa Begum @ Lilufa Khatoon petitioner

Mr. Biswajit Manna

.....for the petitioner

Ms. Zareen N. Khan

Md. Kutubuddin

.....for the State

Learned Counsel for the petitioner submits she is the sister-in-law of the victim housewife. It is also submitted that she is in custody with a three year old child. There is little possibility of the trial concluding in the near future. She renews her prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had illicit relation with the husband of the deceased. All of them tortured the housewife and killed her.

We have considered the materials on record. There are allegations of torture upon the housewife. However, independent witnesses specifically referred to the name of the husband in the matter of torture. Generic reference was made to other family members. Petitioner was not specifically named. No overt act was attributed to her. Keeping in mind the

aforesaid facts and as the petitioner is a lady with a minor child in jail, 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.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur, subject to conditions 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 she 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)