

10.02.2023.
36.
as
(Partly
Allowed).

C.R.M. (DB) 558 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogaiberia P. S. Case No.157 of 2022 dated 01.05.2022 under Sections 341/325/302/34 of the Indian Penal Code.

In the matter of : Shilpa Shah @ Silpa Shah & Anr.
... Petitioners.

Mr. Anit Dey.
...for the Petitioners.
Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das,
Mr. Subrata Roy.
.....for the State.

Petitioners are in custody for 284 days. It is submitted there was a dispute between the neighbours and they have been falsely implicated. They are the womenfolk in the family. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Petitioner No.1 had supplied the weapon which was used by co-accused Nowshad Shah to stab the victim.

Under such circumstances, we are not inclined to grant bail to the petitioner No.1 viz., Shilpa Shah @ Silpa Shah.

Accordingly, the prayer for bail of the petitioner No.1 viz., Shilpa Shah @ Silpa Shah is rejected.

Incident occurred in course of a fight. Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by her, we are inclined to grant bail to the petitioner No.2.

Accordingly, the petitioner No.2 viz., Manuyara Shah 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, Tehatta, Nadia 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.2 viz., Manuyara Shah 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)