

13.03.2023
Sl. No.142
akd
[ALLOWED]

C. R. M. (DB) 874 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2023 in connection with Paikar Police Station Case No.263 of 2022 dated 14.12.2022 under Sections 498A/302/120B/34 of the Indian Penal Code. (G.R. Case No.1957 of 2022)

And

In Re: ***Johida Bibi @ Jahida Bibi @ Jaheda Bibi & Anr.***
... .. Petitioners

Mr. Prosenjit Mukherjee
Mr. Aslam Parvez

... .. for the petitioners

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 84 days. It is further submitted victim-housewife committed suicide ten years after marriage.

Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was murdered.

We have considered the statement of the minor child. Her statement gives an impression of homicidal death but the post-mortem report indicates non-continuous ligature mark which is presumptive of suicidal hanging. In view of the aforesaid dichotomy between ocular and medical evidence and the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely ***(1) Johida Bibi @ Jahida Bibi @ Jaheda Bibi & (2) Alauddin Haque Mondal @ Haque Alauddin @ Alauddin Haque @ Ala Mondal***, 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 Additional Chief Judicial Magistrate, Rampurhat, Birbhum 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.)