

21.03.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 992 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with Santipur Police Station Case No.1285 of 2022 dated 12.12.2022 under Sections 341/325/307/302/34 of the Indian Penal Code.

And

In Re: **Asima Ghosh**

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 112 days. It is further submitted there was a family dispute. Petitioner is not the principal assailant.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had restrained the victim and tied his hands.

We have considered the materials on record. Petitioner is the wife of the principal accused. There was a free fight between the parties. Whether the efforts by the petitioner to restrain the victim was to prevent him from assaulting her husband or aiding the latter to cause assault would be assessed during trial. Keeping in mind the aforesaid fact, extent of complicity of the petitioner in the alleged crime and as she is a lady, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Asima Ghosh**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial

Magistrate, Ranaghat, Nadia subject to condition that the said petitioner 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 justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)