

23.03.2023
43
sdas
allowed

CRM(DB) No. 1068 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sadaipur Police Station Case No. 63 of 2022 dated 20.05.2022 under Sections 302/201/120B of the Indian Penal Code.

And
In Re : Sumitra Soren petitioner

Mr. Saiful Alam
.....for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat
..... for the State

Learned Counsel for the petitioner submits she is in custody for 322 days. It is also submitted she is the wife of the deceased and has been falsely implicated on suspicion. She prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had extra-marital relationship with co-accused, Sk. Firoj whose bail prayer has been turned down. Petitioner had threatened the deceased during the cattle's lifetime.

We have considered the materials on record. Statements of the witnesses show petitioner had illicit relation with co-accused Sk. Firoj. She had threatened the deceased. But there is no material showing that Sk. Firoj and the petitioner had communication on the day of the incident. Case is based on circumstantial evidence. Whether the aforesaid facts would constitute a complete chain to establish her complicity in the murder requires to be assessed during trial. Petitioner is a lady

and has minor children. There is no chance of her abscondence. She does not stand on the same footing with co-accused, Sk. Firoj from whom articles were recovered. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Birbhum at Suri, subject to the condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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.)