

31.03.2023
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allowed

CRM(DB) No. 1275 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mogra Police Station Case No. 73 of 2016 dated 08.03.2016 under Sections 498A/406/307/341/323/325 of the Indian Penal Code.

And
In Re : Bharati Majhi petitioner

Mr. Samrat Choudhury
Ms. Oindrila Ghosh
.....for the petitioner

Mr. Saswata Gopal Mukherji, learned P.P.
Mr. Aniket Mitra
..... for the State

Learned Counsel for the petitioner submits she is the mother-in-law of the victim lady. She was on bail. Due to miscommunication she was unable to appear before the trial court and her bail came to be cancelled. She prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits charge has been framed.

We have considered the materials on record. Petitioner was on bail. Due to miscommunication she was unable to appear before the trial court. She is a lady and there is hardly any chance of abscondence. 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 Chief Judicial Magistrate, Hooghly,

subject to condition that the 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.)