

04.04.2023.
19.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1328 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women P. S. Case No.124 of 2022 dated 17.09.2022 under Sections 498(A)/302/34 of the Indian Penal Code read with Section 9 of the Prohibition of Child Marriage Act and Section 6 of the POCSO Act.

In the matter of : Bina Joardar @ Joarder.

.... Petitioner.

Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Ms. Sananda Bhattacharya.

...for the de-facto complainant.

Petitioner is in custody for 198 days. It is contended victim committed suicide. She is the mother-in-law of the victim. She prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant relies on WhatsApp message by the victim to support the allegation of torture over demands of dowry.

We have considered the materials on record. Victim-housewife suffered unnatural death after five years of marriage. Though there are allegations of torture over demands of dowry, it is to be seen whether there was a live link between the torture and death. Opinion of the doctor improbabilises a case of forceful administration of poison.

Keeping in mind the aforesaid facts, as the petitioner is a lady and there is no chance of her abscondence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Bina Joardar @ Joarder 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 Judge, Special Court under the POCSO Act, Ranaghat, 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 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)