

05.04.2023
Sl. No.45
akd
[ALLOWED]

C. R. M. (DB) 1356 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.03.2023 in connection with Hariharpara Police Station Case No.491 of 2022 dated 23.10.2022 under Sections 498A/326/307/34/304B of the Indian Penal Code. (G.R. Case No.4636 of 2022)

And

In Re: ***Arjuara Bibi @ Munjuwara Bibi @ Munjara Bibi @ Mondal***
... .. Petitioner

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatun
Ms. June Modak

... .. for the petitioner

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

... .. for the State

Petitioner is the mother-in-law of the victim-housewife. It is submitted on behalf of the petitioner that she has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail and submits victim implicated the petitioner in her dying declaration.

We have considered the materials on record. Two dying declarations were recorded in the hospital. In the first declaration, victim stated her brother-in-law viz. Milan Mondal had set her on fire. In the subsequent declaration, she has implicated all her in-laws including the petitioner. Keeping in mind the aforesaid variation in the two dying declarations with regard to extent of complicity of the petitioner in the alleged crime and as she is a lady and there is no chance of her abscondence, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Arjuara Bibi @ Munjuwara Bibi @ Munjara Bibi @ Mondal***, 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 Chief Judicial Magistrate, Murshidabad 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.)