

24.04.2023
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allowed

CRM(DB) No. 1619 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 594 of 2022 dated 08.12.2022 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Sukla Biswas @ Peu petitioner

Mr. Prabir Majumder
Mr. Dilip Chatterjee
Mr. Diptendu Banerjee
Mr. S. Majumder

.....for the petitioner

Ms. Z. N. Khan
Md. Kutubuddin

..... for the State

Learned Counsel for the petitioner submits she is in custody for 130 days. It is also submitted she has been falsely implicated out of prior suspicion. Co-accused Joy Saha is on bail. She prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had illicit relationship with the said Joy Saha. He is the son of the deceased. They conspired to murder the victim lady. Incriminating article i.e. saree of the victim has been recovered from the petitioner.

We have considered the materials on record. Petitioner and Joy Saha had developed intimacy. Petitioner had instituted a criminal case alleging rape against the said Joy Saha and her mother, the deceased herein. Joy Saha absconded and subsequently was granted anticipatory bail in the said case. Thereafter, FIR was registered as decomposed body of the victim

was recovered from her residence. It is contended that the said Joy Saha and the petitioner had conspired with two co-accused to commit the murder of the victim. No one had seen the petitioner with the other co-accused. Meeting of minds between the petitioner with the said co-accused is primarily based on statements of the co-accused before the police officer. Prosecution also relies on the recovery of a saree from the residence of the petitioner. Whether the said circumstance is sufficient to establish guilt may be decided during trial. Co-accused Joy Saha is on bail. Petitioner is a lady. There is no chance of her abscondence. Under such circumstances, we are inclined to grant bail to her.

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 Judicial Magistrate, 1st Class, Nabadwip, Nadia, 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.)

