

26.04.2023
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allowed

CRM(DB) No. 1693 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Joynagar Police Station Case No. 73 of 2021 dated 07.02.2021 under Sections 448/325/302/34 of the Indian Penal Code.

And

In Re : Hasiara Mondal alias Hachiara alias Hachhayara.... petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

.... for the State

Learned Counsel for the petitioner submits she is in custody for 165 days. It is also submitted there was a dispute between two families. She has been falsely implicated.

Learned Counsel for the State opposes the prayer for bail and submits prayer of the co-accused has been rejected earlier.

We have considered the materials on record. There was dispute between two families. Bail prayer of the male co-accused was rejected earlier. Keeping in mind the fact that the petitioner is a lady and in view of the extent of her complicity in the crime, we are of the opinion she does not stand on the same footing with the co-accused whose bail prayer has been rejected and she may be enlarged on bail.

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, South 24

Parganas, subject to conditions 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.)