

10.05.2023
tkm/ct 28
sl no. 49

C.R.M. (DB) 1838 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Simlapal PS case no. 18 of 2022 dated 5.4.2022 under sections 498A/302/304B/34 of the IPC

And

Allowed

In Re : Smt. Chani @ Lakshmi Rani Lohar & Anr.

..... petitioners

Mr. Udayan Mukherjee

Mr. R Mukherjee

Mr. A Roy

..... for the petitioners

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Petitioners are in custody for more than a year. It is contended no overt act of torture is attributed to them. They pray for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Petitioners are the in laws of the victim housewife. Allegation of torture has been principally attributed to the husband. There is no possibility of trial concluding in the near future. Keeping in mind the extent of complicity of the petitioners in the alleged crime and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM Khatra on condition that the petitioners shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 1838 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)