

11.07.2023
D/L 51
Ct. No.28
Allowed
(SKB)

CRM (DB) 2472 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with S.C. No.217 of 2023 and S.T. No.03(06)23 arising out of Habra P.S. Case No.71 of 2023 dated 21.01.2023 under Sections 498A/302/34 of the Indian Penal Code

And

In the matter of : Najima Bibi alias Khatun
... Petitioner

Mr. Angshuman Chakraborty,
Mr. S. S. Saha
... for the petitioner

Mr. Saswata Gopal Mukherji, Id. P.P.
Mr. Partha Pratim Das,
Ms. Eshita Dutta
... for the State

Petitioner submits that she is the mother-in-law of the victim housewife. After the marriage of the housewife, she had remarried and was residing at a different place at the time of occurrence.

In view of the aforesaid submission, report was called for. Report is placed on record.

From the report, it appears that the housewife and her husband were residing at Kashipur Purba Para, P.O. Kumra Kashipur, P.s.-Habra, Dist.-North 24 Pgs. while the petitioner was residing at Paschim Shimla, P.O. Shimla Durgapur, P.S. Baduria, Dist.-North 24 Pgs. But petitioner frequently visited the place where the housewife was residing.

In view of the aforesaid report, it cannot be said that the petitioner was ordinarily residing with the couple. More particularly, nothing is placed on record to show that she was present at the matrimonial home on the date of the incident.

Keeping in mind the aforesaid facts and the extent of complicity of the petitioner in the alleged crime, we are inclined to grant bail to the petitioner.

Therefore, the petitioner Najima Bibi alias Khatun 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 CJM, North 24 Parganas 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 is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)