

1107.2023
D/L 65
Ct. No.28
allowed
(SKB)

CRM (DB) 2715 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure arising out of Murshidabad Police Station Case No. 767 of 2022 dated 21.11.2022 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Rahima Bibi and another
... Petitioners

Md. Sabir Ahmed,
Md. Abdur Rakib,
Mr. Biswajit Sarkar,
Mr. Shraman Sarkar,
Mr. Dhiman Banerjee

... for the petitioners

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra

... for the State

Petitioners submit that they are not the principal accused. They are in custody for 233 days. They pray for bail.

Learned advocate for the State opposes the bail prayer.

We have considered the materials on record. One Jamal Sk. is the principal accused. Incident occurred in course of a family dispute. Possibility of false implication of the petitioners owing to prior enmity cannot be ruled out.

Keeping in mind the aforesaid facts and as the petitioners are womenfolk and there is no chance of their abscondence, we are inclined to grant bail to the petitioners.

Accordingly, petitioners namely Rahima Bibi and Najera Bewa be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Lalbagh, Murshidabad subject to condition that the said petitioners 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 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) 2715 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)