

13.07.2023.
18.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2775 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga P. S. Case No.159 of 2016 dated 06.04.2016 under Sections 498A/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

In the matter of : Arina Bibi.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahman.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Petitioner is the second wife of the principal accused. It is contended she has been falsely implicated. She is in custody for a year and nine months. She prays for bail.

Learned Advocate for the State refers to the dying declaration of the victim.

We have considered the materials on record including the dying declaration of the victim. She states her husband set her on fire. Petitioner i.e. the second wife of the husband was present.

In view of the fact petitioner ordinarily resided at the matrimonial home of the victim, her presence at the place of occurrence by itself cannot be a ground to lead an inference of sharing common intention to murder.

Petitioner is a woman and there is no chance of her abscondence.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Arina Bibi 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, Berhampore, Murshidaband subject to condition that she 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)