

14.07.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 2789 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with Lalgola Police Station Case No.34 of 2023 dated 21.01.2023 under Sections 363/365/376(2)(f)/376(D)/326/328/307/120B of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/363/365/326/328/307/120B of the Indian Penal Code. (G.R. Case No.208 of 2023)

And

In Re: ***Manoara Bibi @ Manuwara Bibi***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Ms. Rabia Khatoon
Ms. Soma Mal

... .. for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kr. Mitra

... .. for the State

Petitioner is the mother-in-law of the victim-housewife.

It is submitted on behalf of the petitioner that she is in custody for about 173 days. Allegation of abduction is patently absurd. Accordingly, she prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits there was matrimonial discord between the victim and her husband and in-laws. She was abducted from her place of work and physically tortured. Petitioner was one of the persons who had abducted her.

We have considered the materials on record. Involvement of the petitioner in the abduction and torture requires to be assessed in the light of the submission regarding prior enmity between the parties. Victim has already been recovered. Injuries also do not appear to be life-threatening. Under such circumstances and in view of the period of

detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Manoara Bibi @ Manuwara Bibi***, 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad 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, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)