

17.08.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 2878 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with Baishnabnagar Police Station Case No.927 of 2022 dated 23.10.2022 under Sections 341/326/307/34/302 of the Indian Penal Code. (G.R. Case No.6701 of 2022)

And

In Re: ***Rekha Mandal***

... .. Petitioner

Mr. Mohammad Irfan

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner that she is a lady and is suffering from 80% disability. It is further submitted she is not the principal accused. Investigation is complete. Accordingly, she prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner participated in the assault. She held the victim when co-accused assaulted him.
3. We have considered the materials on record. There was a quarrel between the parties. Whether the intention of the petitioner to hold the victim was to assault or prevent him from assaulting the co-accused requires to be assessed during trial. She is a lady and suffers from disability. Investigation is complete. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Rekha Mandal***, 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 Chief Judicial Magistrate, Malda 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)