

20.07.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 2880 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.07.2023 in connection with Hirbandh Police Station Case No.42 of 2022 dated 09.08.2022 under Sections 498A/304B/302/341 of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/304B/406/34 of the Indian Penal Code. (Khatra G.R. Case No.441 of 2022)

And

In Re: ***Kajal Kumbhakar***

... .. Petitioner

Mr. Arkaprabho Roy
Mr. Rhiddhiman Mukherjee

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

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

It is submitted on behalf of the petitioner that she is in custody for about seven months. It is further submitted she has been falsely implicated on the premise that she is a relation of the husband. Depositions of witnesses have not implicated her. Accordingly, she prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was tortured at the matrimonial home. She died due to hanging within five months of marriage.

We have considered the materials on record. Petitioner is an elderly lady and a relation of the husband. Allegations against her are general and omnibus. Trial is in progress. There is no chance of her abscondence. Balancing the nature of accusation with 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 ***Kajal Kumbhakar***, 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, Khatra, Bankura 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.)