

13.09.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 3047 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.07.2023 in connection with Manickchak Police Station Case No.454 of 2023 dated 20.06.2023 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.3874 of 2023)

And

In Re: ***Chandana Mahaldar & Anr.***

... .. Petitioners

Mr. Rana Mukhopadhyay
Mr. Riddhiman Mukherjee

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. Petitioners are the women folk.
2. It is submitted on behalf of the petitioners that they are in custody for about 88 days. It is further submitted petitioners are not the principal assailants and have been falsely implicated. Accordingly, they pray for bail.
3. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners also participated in the assault.
4. We have considered the materials on record including the statements of witnesses. The principal accusation is against one Suranjan Mahaldar and Sarban Mahaldar who assaulted the victim. Suranjan assaulted the victim with a spade and Sarban with a *hansua*. It is alleged petitioner no.1 had poked the victim with a rod and petitioner no.2 had assaulted him with fists and blows. Possibility of false exaggeration to implicate all family members in the crime cannot be ruled out. There is no chance of abscondence of the petitioners. Under such circumstances and in view of the

period of detention suffered by them, we are of the opinion further detention of the petitioners is not necessary.

5. Therefore, the petitioners, namely **(1) Chandana Mahaldar & (2) Jamuna Mahaldar @ Jamina Das**, 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 Chief Judicial Magistrate, Malda 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)