

30.08.2023
tkm/ct 28
sl no. 35

C.R.M. (DB) 3391 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Basanti P.S case no. 405 of 2022 dated 4.6.2022 under sections 302/201/34/120B IPC
and

Allowed

In Re : Saida Sardar @ Sahida Khatun & Anr. ... petitioners

Mr. S Das Mahapatra
Mr. Dipankar Mandal
Mr. A A Mondal

..... for the petitioners

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

1. Petitioners are in custody for more than a year. It is submitted they did not play any role in the murder. Co-accused including Morselim Molla are on bail. They pray for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioners do not stand on the same footing with Hamida Molla and her husband Jakir Molla who have been enlarged on bail. They were in Delhi at the time of occurrence. He also contends that the State contemplates to file application for cancellation of bail granted to Morselim Molla.
3. In reply, it is contended Hamida Molla had motive to commit the crime.
4. We have considered the materials on record. State relies on statement of witnesses which shows on 3.6.2022 in the evening they had seen the victim Tanima gossiping with the petitioner and Morselim Molla. Thereafter, they had left the spot and were seen together at 6 pm. On the next day the dead body of Tanima was recovered. It is relevant to note the deceased Tanima is a relation

of petitioner no. 1. Alternative hypothesis with regard to their moving around together because of such social relationship cannot be ruled out. No other incriminating materials is placed on record. Co-accused are on bail.

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

6. Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM South 24 Parganas at Alipore on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel thier bail automatically without reference to this court.

8. The application being CRM (DB) 3391 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)