

05.09.2023

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Allowed

C.R.M. (DB) No. 3473 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with North Port Police Station Case No. 09 of 2023 dated 26.02.2023 under Sections 307/34/338/341/325 and charge-sheet submitted under Sections 341/325/307/302/34/338 of the Indian Penal Code.

And

In Re : Kiran Kumari Tamang petitioner

Mr. Soumyajit Das Mahapatra

Mr. Sourav Chatterjee

Ms. Madhurai Sinha

.....for the petitioner

Mr. Neguive Ahamed, learned APP

Ms. Amita Gaur

.....for the State

1. Learned Counsel for the petitioner submits she is a lady. She is in custody for 181 days. It is also contended that she was not driving the vehicle which ran over the victim. Investigation is complete. She prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had advised the principal accused to run away from the spot.

3. We have considered the materials on record. Some persons were teasing women in the locality. A dispute arose. Petitioner is a lady and not the principal accused. Keeping in mind the extent of complicity of the petitioner in the crime,

period of detention suffered by her and as investigation is complete we are inclined to grant bail to her.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta, subject to conditions that she 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 any justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)