

08.09.2023
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allowed

CRM(DB) No. 3504 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No. 355 of 2023 dated 21.07.2023 under Section 306 of the Indian Penal Code.

And

In Re : Anita Halder petitioner

Mr. Sumanta Das

....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

.... for the State

1. Learned Counsel for the petitioner submits she is in custody for 48 days. It is also contended she has been falsely implicated. She prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner subjected the victim to blackmail. As a result he committed suicide.

3. We have considered the materials on record. Statements of the witnesses show there was free mixing between the parties. Victim committed suicide. He did not leave behind any suicide note implicating the petitioner. Whether conduct of the petitioner would constitute abetment to suicide may be assessed during trial. Petitioner is a lady and there is no chance of abscondence. Balancing the nature of accusation with the period of detention suffered by the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)