

12.09.2023
44
sdas
allowed

CRM(DB) No. 3534 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 305 of 2023 dated 27.07.2023 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re : Saraswati Mondal & Anr. petitioners

Mr. Usof Ali Dewan

Mr. Asif Dewan

....for the petitioners

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

.... for the State

1. Learned Counsel for the petitioners submits they are women folk of the family and were not named in the FIR. Subsequently they were falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim suffered grievous injury and as a result her kidney was damaged.

3. We have considered the materials on record. Names of the petitioners do not transpire as the assailants in the FIR. Possibility of embellishment by the witnesses in their subsequent statement before the learned Magistrate cannot be ruled out. Petitioners are women folk and there is no chance of their abscondence. Under such circumstances, we are inclined to grant bail to them.

4. Accordingly, we direct that the petitioners shall 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to conditions that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)