

13.09.2023
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allowed

CRM(DB) No. 3549 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 293 of 2023 dated 23.06.2023 under Sections 302/201 of the Indian Penal Code.

And
In Re : Bisakha Gayen petitioner

Ms. Sonali Das
....for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan
.... for the State

1. Learned Counsel for the petitioner submits she is in custody for 80 days. It is also contended that there is no direct evidence connecting her with the murder. Investigation is complete. She prays for bail.

2. Learned Counsel for the State opposes the bail prayer. She submits there was family dispute and motive to commit suicide. Petitioner was seen coming out of the pond in wet clothes. Victim is a four year old child and had suffered head injuries and died.

3. We have considered the materials on record. Statements of witnesses show there was a family dispute. But nature of dispute does not appear to be serious as there was free mixing and interaction between the parties. Minor victim and her sister along with the daughter of the petitioner were seen with the petitioner in a temple. Nobody saw the petitioner and the minor victim going towards the pond though one of the witnesses stated

she was seen coming out from the pond in wet clothes. Whether the aforesaid circumstances would form a complete chain to implicate the petitioner in the crime may be assessed during trial. Investigation is complete. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

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, Baruipur, South 24 Parganas, subject to the condition 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.)