

Court No. 28

13.09.2023

(AD 38)

(S. Banerjee)

CRM (DB) 3563 of 2023

In re: An application for cancellation of bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Krishnaganj Police Station Case No. 466 of 2022 dated 18.11.2022 under Section(s) 326/307/302/34 of the Indian Penal Code.

And

In the matter of: Soma Biswas @ Sima Biswas
...petitioner

Mr. Snehansu Majumder

... for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... for the State

1. The petitioner is in custody for 230 days. She submits that she is not the principal accused. She prays for bail.
1. Learned advocate for the State opposes the prayer for bail. He submits that the petitioner had instigated her husband to kill his own father. The mother had also been injured.
2. We have considered the materials on record. The incident occurred in course of a domestic quarrel. The petitioner is the wife of the principal accused. She did not assault the victims. Possibility of exaggeration and false implication cannot be ruled out.
3. Keeping in mind the aforesaid facts, particularly the extent of complicity of the petitioner in the matter and

as there is no chance of abscondence, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner viz., **Soma Biswas @ Sima Biswas**, shall be released on bail upon furnishing Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate Nadia at Krishnanagar subject to condonation that he 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 the petitioner 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. CRM(DB) 3563 of 2023 is allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)