

26.09.2023

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Allowed

C.R.M. (DB) No. 3737 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 201 of 2023 dated 29.05.2023 under Sections 302/201/34 of the Indian Penal Code.

And
In Re : Tanjura Bibi petitioner

Md. Wasim Akram
.....for the petitioner

Mr. Bibaswan Bhattacharya
.....for the State

Mr. Soupal Chatterjee
Mr. Anupam Das
Ms. Sucheta Banerjee
..... for de facto complianant

1. Learned Counsel for the petitioner submits there is no direct evidence connecting her with the murder. She has been falsely implicated. Co-accused, Ruma Khatun admitted in her statement that she committed the murder alone. She prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. Learned Counsel for the de facto complainant also opposes the prayer for bail.

4. We have considered the materials on record. No witness saw the petitioner with the victim girl. Alleged recovery

is based on the joint statement of co-accused, Ruma Khatun and the petitioner. However, complicity of the petitioner in the murder is not transpiring from the statement of co-accused, Ruma Khatun. Under such circumstances, whether petitioner was involved in the murder or only in secreting gold ornaments after commission of the offence requires to be assessed during trial. Keeping in mind the aforesaid fact and as the petitioner is a lady, we are inclined to grant bail to her.

5. 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, Chanchal, Malda, 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

