

29.09.2023
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 3763 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2023 in connection with Banshihari Police Station Case No.182 of 2021 dated 25.09.2021 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re: ***Kanchan Sarkar***

... .. Petitioner

Mr. Asim Kumar Chakraborti

... .. for the petitioner

Ms. Zareen N. Khan

Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than two years. It is further submitted petitioner has been subjected to cruelty and driven out of her matrimonial home. A criminal case was registered. Subsequently, her husband died and she has been falsely implicated. Co-accused viz. Arup Pramanik @ Apu has been enlarged on bail. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner and her husband were residing together at the time of occurrence. She made extra-judicial confession before villagers admitting her guilt.
3. We have considered the materials on record. There was matrimonial discord between the petitioner and her husband. A criminal case had also been started against the husband. Subsequently, parties reconciled and the couple started residing together. Her husband suffered homicidal death. It is alleged she made extra-judicial confession. Possibility of compulsion by villagers to make extra-judicial confession in view of prior enmity between the parties cannot

be ruled out. Co-accused viz. Arup Pramanik @ Apu has been enlarged on bail. There is no possibility of trial concluding in the near future. Petitioner is a lady and there is no chance of her abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Kanchan Sarkar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that the said petitioner 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)