

19.10.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (DB) 3853 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Azimganj GRPS Case No.18 of 2023 dated 23.08.2023 under Sections 498A/306/34 of the Indian Penal Code. (G.R. Case No.2816 of 2023)

And

In Re: ***Kanchani Sardar & Anr.***

... .. Petitioners

Md. Golam Nure Imrohi

... .. for the petitioners

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor

Ms. Faria Hossain

Mr. Anand Kesari

... .. for the State

1. Petitioners are the mother-in-law and sister-in-law of the victim-housewife respectively.
2. It is submitted on behalf of the petitioners that they are in custody for about 58 days. It is further submitted victim-housewife committed suicide on the railway tracks. Accordingly, they pray for bail.
3. Learned Advocate for the State opposes the prayer for bail and submits petitioners tortured the victim-housewife. As a result, she committed suicide.
4. We have considered the materials on record. Allegations of torture are general and omnibus. Incident occurred after seven years of marriage. Whether statutory presumption under Sections 113A/113B of the Evidence Act would apply to the facts of the case requires to be assessed during trial. There is no possibility of abscondence. Under such circumstances and in view of the period of detention suffered by them, we are of the opinion further detention of the petitioners is not necessary.

5. Therefore, the petitioners, namely **(1) Kanchani Sardar & (2) Jashodar Sardar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)