

11.10.2023

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Allowed

C.R.M. (DB) No. 3950 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mahisadal Police Station Case No. 265 of 2023 dated 06.05.2023 under Sections 302/304B/34/498A of the Indian Penal Code and charge-sheet submitted under Sections 498A/304B/34 of the Indian Penal Code and supplementary charge-sheet submitted under Sections 498A/304B/406/34 of the Indian Penal Code.

And

In Re : Anisha Bibi petitioner

Mr. Sekhar Bose, Sr. Adv.

Mr. Somen Bose

Mr. Samiran Mandal

Mr. Abhinaba Dan

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

.....for the State

1. Learned senior Counsel for the petitioner submits she is in custody for 160 days. It is also submitted that there is no development in the matter since rejection of bail by this Court. She prays for bail.

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

3. We have considered the materials on record. Petitioner is the sister-in-law of the victim lady. It is alleged that she had illicit affair with the husband of the victim, a co-accused. It is averred in the charge-sheet that she strangled her daughter and committed suicide. There is no development in the matter since rejection of bail by this Court. Petitioner is a

lady and there is no possibility of her abscondence. Under such circumstances, 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, Haldia, subject to conditions that 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 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. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)