

19.10.2023
tkm/ct 28
sl no. 35

C.R.M. (DB) 4133 of 2023

In Re : An application under section 439 of the Code of Criminal Procedure in connection with Titagarh PS case no. 223 of 2023 dated 28.4.2023 under section 302/34/120B/201 IPC and 25/27/35 of the Arms Act

and

Allowed

In Re : Sabnam Bano

..... petitioner

Mr. D Kar

..... for the petitioner

Ms. Anasuya Sinha

Mr. P K Mitra

..... for the State

1. Petitioner is in custody for more than six years. It is submitted petitioner is the wife of the co-accused Sunny. She has a minor child. She prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He submits petitioner is a conspirator to the crime. Petitioner had taken loan from the victim. On the fateful day she called the victim to refund the loan. When he arrived he was shot by her husband i.e. Sunny and his associate Arif.

3. We have considered the materials on record. Petitioner is not the principal accused. Whether she had knowledge at the time of making the phone call that her husband and his associate would kill the victim requires to be assessed during trial. She is a lady and has a minor child. There is no possibility of her abscondence.

4. Keeping in mind the aforesaid facts and extent of complicity in the crime, we are inclined to enlarge the petitioner on bail.

5. Accordingly, the petitioner 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

ACJM Barrackpore on condition that the petitioner shall appear before the trial court on every date of hearing 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 justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

7. The application being CRM (DB) 4133 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)