

19.10.2023
tkm/ct 28
sl no. 39

C.R.M. (DB) 4137 of 2023

In Re : An application under section 439 of the Code of Criminal Procedure in connection with Murutia PS case no. 274 of 2023 dated 19.9.2023 under sections 302/120B/34 IPC
and

Allowed

In Re : Mafuja Bewa petitioner

Mr. N S Ghosh
Mr. D Brahma

..... for the petitioner

Mr. R D Nandy
Mr. Iqbal Kabir

..... for the State

1. Petitioner submits her husband had been implicated in a criminal case. She was enlarged on bail. Police raided her residence and took away her brother in law. He was assaulted by police and died. Petitioner approached this court in WPA 22111 of 2023. A learned Single Judge of this Court directed registration of FIR on the complaint of the petitioner against police. Immediately thereafter she was falsely implicated in the case. She is in custody for 39 days.

2. Learned lawyer for the State opposes the bail prayer. He submits petitioner is a conspirator to the crime. Statements of witnesses show a conspiracy was hatched at her residence to murder the victim.

3. We have considered the materials on record. It is alleged petitioner's brother-in-law was assaulted by police. She approached this Court in writ jurisdiction. Pursuant to direction given by this Court FIR has been registered against police personnel. Immediately thereafter petitioner was arrested in the case. She has no motive to commit the crime. Statement of

witness alleging conspiracy at the residence of the petitioner was recorded ten days after the FIR and more interestingly two days after her arrest. The possibility of manufacturing evidence to justify arrest cannot be ruled out.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Tehatta Nadia 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) 4137 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)