

16.11.2023.  
12.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 4140 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur P.S. Case No.264 of 2020 dated 18.11.2020 under Sections 302/201/120B/34 of the Indian Penal Code.

In the matter of : **Rasim Gupta @ Rita Gupta.**

.... Petitioner.

Mr. Kunal Ganguly.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Dipankar Paramanick.

...for the State.

1. Petitioner submits there is no direct evidence connecting her with the murder. Petitioner had not been seen with the deceased at the place of occurrence or soon before the occurrence. Allegation of conspiracy between the petitioner and co-accused Manu Bhai Patel is a speculative one. She is a lady and there is no chance of abscondence. She prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had romantic relationship with the victim as well as Manu Bhai Patel. She conspired with Manu Bhai to commit the murder of the victim. She had telephonic conversations with the victim on the day of occurrence and was seen withdrawing money from the ATM with the victim. Mobile phone of the victim was recovered from her possession.

3. We have considered the materials on record. Case is based on circumstantial evidence. Whether romantic association between the petitioner on the one hand and the

victim and the deceased on the other hand would prompt the petitioner to join hands with one of her paramours to do away with the other is not established through legally admissible evidence. Other pieces of evidence relied upon by the prosecution are general and non-specific. Petitioner was known to the victim and her interaction the latter on the date of occurrence cannot by itself lead to the irresistible inference of her involvement in the murder. Similarly, recovery of mobile phone of the deceased may be explained away on the anvil of their previous association.

4. In the light of the aforesaid circumstances, we are constrained to observe petitioner does not stand on the same footing with the co-accused Manu Bhai Patel on whose leading statement the weapon of offence was recovered. She is a lady and there is no chance of her abscondence. There is little possibility of trial concluding in the near future.

5. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

6. Accordingly, the petitioner viz., **Rasim Gupta @ Rita Gupta** 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 Chief Judicial Magistrate, Paschim Bardhaman subject to condition that she 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 and on

further condition that the petitioner while on bail shall not leave the district of Paschim Bardhaman until further orders.

7. In the event the petitioner 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.

8. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**