

02.02.2023
SI. No.6
akd
[ALLOWED]

C. R. M. (DB) 4346 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2022 in connection with Basanti Police Station Case No.405 of 2022 dated 04.06.2022 under Sections 302/201/120B of the Indian Penal Code.

And

In Re: ***Hamida Molla***

... .. Petitioner

Mr. Soubhik Mitter
Mr. Sandip Dinda

... .. for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 160 days. It is further submitted allegation of conspiracy is out and out false. There is no direct evidence connecting her with the murder.

Learned Advocate for the State opposes the prayer for bail and submits petitioner is the first wife of co-accused viz. Jakir Molla. They conspired with others to commit the murder of the victim who was the second wife of Jakir.

We have considered the materials on record. From the materials on record it appears petitioner was residing with co-accused viz. Jakir Molla at Delhi. There is no telephonic conversation between the petitioner and other accuseds who were present in the village where the victim died. Apart from the fact that the petitioner was residing with co-accused viz. Jakir Molla (who is her husband), there is no other material which would demonstrate her role in the conspiracy of committing murder. No meeting of minds between the petitioner and her sister who was seen near the place of occurrence has also been placed

on record. Petitioner does not stand on the same footing with co-accused viz. Jakir Molla whose bail prayer has been assailed by the State in CRM (DB) 4435 of 2022. In view of the aforesaid circumstances and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hamida Molla***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipore, South 24-Parganas subject to condition that the said 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.

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.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)