

20.12.2023
Sl. No.96
akd
[ALLOWED]

C. R. M. (DB) 4612 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2023 in connection with Amdanga Police Station Case No.474 of 2022 dated 08.09.2022 under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No.3232 of 2022)

And

In Re: ***Kasmira Bibi @ Kashmira Bibi***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Sparshamoni Saha Podder
Ms. Poulami Bose

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than fifteen months. It is further submitted victim-husband was sleeping outside the house while petitioner slept inside the house. Accordingly, she prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Case is based on circumstantial evidence. Petitioner is the wife of the deceased. Evidence on record shows deceased was sleeping outside the house on the fateful day. Under such circumstances, it cannot be said petitioner alone had access to him at the time of occurrence. In the light of the aforesaid facts, it is to be assessed whether the circumstances relied by the prosecution unerringly point to the guilt of the petitioner or not. There is no chance of her abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Kasmira Bibi @ Kashmira Bibi***, 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, Barasat, North 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)