

21.12.2023
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allowed

CRM(DB) No. 4740 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 639 of 2022 dated 14.09.2023 under Section 302 of the Indian Penal Code.

And
In Re : Nasima Bibi Mondal Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
.....for the petitioner

Mr. Madhusudan Sur, learned APP
.... for the State

1. Learned Counsel for the petitioner submits she is in custody for 92 days. There was matrimonial discord between the couple. Accordingly, she has been falsely implicated in a case of accidental drowning. She prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. There was matrimonial discord between the couple. Post mortem report does not show injury on the victim. Possibility of accidental drowning cannot be ruled out. Petitioner is a lady and there is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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, Nadia at

Krishnagar, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)