

06.06.2023
Court No.01
Item No. 5
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (DB) 237 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No. 184/2022 dated 14/07/2022 under Section 498A/341/325/307/302/34 IPC read with Section 3/4 of the D.P. Act.

And

In Re: **Babli Paul @ Babli Modak Paul**

Petitioner

Mr. Arunava Paul

For the Petitioner

Mr. Kallol Acharjee
Mr. Aniruddha Biswas

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated. It is submitted that she is in custody for ten months and charges have not been framed as yet.

The learned Counsel for the State, however, opposes the prayer for bail and draws our attention to the statement of one of the brothers of the deceased implicating the petitioner.

We have considered the case diary along with the other materials produced and also the statement recorded under Section 164 of the Code of Criminal Procedure. It appears that the principal accused namely, the brother-in-law of the deceased is in custody. The husband of the deceased is absconding. The statement of one of the brothers of the deceased, prima facie, does not implicate the petitioner in the commission of the offence.

Considering the involvement of the petitioner in the commission of offence, we are of the view that further custodial detention of the petitioner is no more required and the petitioner may be released on bail.

Accordingly, the petitioner viz., **Babli Paul @ Babli Modak Paul** shall be released on bail upon furnishing a bond of Rs.5,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri 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 the petitioner shall not leave the jurisdiction without the permission of the Court and she shall cooperate with the investigation.

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.

The application for bail of the petitioner is allowed. CRM (DB) 237 of 2023 is, accordingly, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)