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allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM(DB) No. 694 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 859 of 2023 dated 05.09.2023 under Sections 302/120B of the Indian Penal Code.

And

In Re : Rita Mandal @ Rita Mandal Singh & Ors. petitioners

Mr. Anirban Banerjee
Mr. Gopal Roy

.....for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Arjun Chowdhury

..... for the State

1. Learned Counsel for the petitioners submits they are family members of the victim. There was a property dispute amongst them. Husband of the petitioner no. 1 struck the victim with a knife in the chest. They are not the principal accused. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners had instigated the principal accused to commit the crime.

3. We have considered the materials on record. Petitioners are the family members of the victim. There was a quarrel amongst them over property. In the course of quarrel husband of the petitioner no. 1 struck the victim resulting in his death. Whether the petitioners shared common intention with the principal accused to commit the murder requires to be assessed during trial. They have strong roots in society and there is no chance of abscondence. Hence, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Jalpaiguri, subject to conditions that they 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)