

29.01.2024
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Partly Allowed

CRM (DB) No. 242 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with G.R. Case No. 1429 of 2023 arising out of **Murarai** Police Station Case No. **230** of **2023** dated **13.09.2023** under Sections **302/34** of the Indian Penal Code.

And

In Re : Samrat Sk @ Sahin Sk & Anr. petitioners

Mr. Swapan Kr. Mullick
Ms. Sudeshna Das,

.....for the petitioners

Mr. Bibaswan Bhattacharya

....for the State

1. Petitioners contend that there was a quarrel among the family members and they have been falsely implicated. Petitioners are in custody for 135 days. Investigation is complete. There is no chance of abscondance. They pray for bail.

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

3. We have considered the materials on record. We have also examined the statement of the mother of the parties. She states that petitioner no. 1 had assaulted the victim on the head. Postmortem shows that principal injury is on the head corroborating her ocular version.

4. Petitioner no. 2 (Jahanara Khatun @ Sonali Bibi) is the wife of petitioner no. 1 and though it is alleged that she also

assaulted, it is unclear whether she had assaulted on a vital part of the body.

5. Under such circumstances, keeping in mind the extent of complicity of petitioner no. 2 (Jahanara Khatun @ Sonali Bibi) and as she is a lady, we are inclined to grant bail to her.

6. Application for bail in so far as petitioner no. 1 (Samrat Sk. @ Sahin Sk.) is rejected.

7. Accordingly, we direct that petitioner 2 (Jahanara Khatun @ Sonali Bibi) 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 Additional Chief Judicial Magistrate, Rampurhat, Birbhum, subject to the condition that she shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

8. In the event, petitioner no. 2 (Jahanara Khatun @ Sonali Bibi) fail 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.

9. The application for bail is, accordingly, allowed in so far as petitioner no. 2 (Jahanara Khatun @ Sonali Bibi) is concerned.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

