

05.02.2024

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Allowed

C.R.M. (DB) No. 337 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 399 of 2023 dated 11.11.2023 under Sections 302/201/34 of the Indian Penal Code and charge sheet filed under Sections 302/201/109/120B of the Indian Penal Code.

And

In Re : Puja Roy petitioner

Mr. Niladri Sekhar Ghosh
Mr. Sourov Monal
Ms. Sompurna Chatterjee
.....for the petitioner

Mr. Ranabir Roy Chowdhury
Ms. Ayantika Roy
.....for the State

1. Learned Counsel for the petitioner submits she is in custody for 87 days. It is also submitted that she has been falsely implicated in the murder of her husband out of mere suspicion. Investigation is complete. Accordingly, she prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had illicit relationship with co-accused, Manas Roy. They conspired and murdered her husband.

3. We have considered the materials on record. Prosecution primarily relies on the confessional statements of the accused before police. Apart from these statements which are inadmissible in law, other statements merely speak of illicit

relationship between the petitioner and co-accused. This may give motive to commit the crime and nothing more. No other material implicating the petitioner in the murder is placed on record. Investigation is complete. There is no chance of abscondence. Accordingly, 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly. 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 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)