

13.02.2024
tkm/ct 28
sl no. 54

C.R.M. (DB) 436 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal PS case no. 438 of 2020 dated 2.6.2020 under sections 302/34 IPC
and

Allowed

In Re : Asma Bibi petitioner

Mr. S Chatterjee
Mr. A Das
Ms. Sucheta Banerjee

..... for the petitioner

Mr. Z N Khan
Mr. Rjesh Jana

..... for the State

1. Petitioner is in custody for more than three years. He contends most of the prosecution witnesses have turned hostile. He prays for bail.
2. Learned lawyer for the State contends petitioner was one of the wives of the deceased. She was found in the room where he was murdered.
3. We have considered the materials on record. Petitioner was not the only inmate in the house. Prosecution witnesses have turned hostile and not supported the case. There is no possibility of the trial concluding in the near future.
4. In view of the scanty evidence on record and as the implication of the petitioner is based on surmise and conjecture we are inclined to grant bail to the petitioner.
5. Accordingly, petitioner 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 ACJM, Chanchal, Malda on condition that the petitioner shall appear before the trial court on every date of hearing

and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application being CRM (DB) 436 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)