

21.03.2024
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 572 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.02.2024 in connection with Nabadwip Police Station Case No.533 of 2022 dated 08.11.2022 under Sections 304/34 of the Indian Penal Code. (G.R. Case No.565 of 2023)

And

In Re: **Rakhi Brahma & Anr.**

... .. Petitioners

Mr. Debabrata Ray
Mrs. Karabi Roy
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal

... .. for the petitioners

Mr. Avishek Sinha
Ms. Puja Goswami

... .. for the State

1. It is submitted on behalf of the petitioners that they are the women folk of the family. There was a quarrel amongst family members. Petitioners have been falsely implicated. Co-accused have been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits date has been fixed for consideration of charge. De-facto complainant has preferred an application for adding offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. In view of the aforesaid submission relating to prayer for addition of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, we directed notice to be served upon the de-facto complainant/victim.
4. In spite of notice, nobody appears on behalf of the de-facto complainant/victim.

5. We have considered the materials on record. In the FIR, allegation of assault is attributed to the male accused who have been enlarged on bail. However, there is embellishment in the statements recorded during investigation and general allegations have been levelled against all including the petitioners. Principal accused are on bail. In view of the aforesaid facts and as the petitioners are women folk and there is no chance of abscondence, we are of the opinion further detention of the petitioners is not necessary.
6. Therefore, the petitioners, namely **(1) Rakhi Brahma & (2) Rekha Brahma**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judicial Magistrate, Nabadwip, Nadia subject to condition that the said petitioners 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.
7. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)