

29.02.2024
tkm/ct 28
sl no. 72

C.R.M. (DB) 573 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Purbasthali P.S case no. 274 of 2023 dated 19.12.2023 under sections 341/325/326/307/302/344 IPC
and

Allowed

In Re : Sairabanu Bibi & Ors.

... petitioners

Mr. Atanu Biswas
Mr. M Saha

..... for the petitioners

Ms. Z N Khan
Mr. Goutam Wilson

..... for the State

1. Petitioners are in custody for 72 days. It is submitted that the petitioners are not principal accused. They pray for bail.

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

3. We have considered the materials on record. There was prior enmity between the petitioners and the deceased. On the day of occurrence, a dispute occurred over tying cows on the road. Petitioners were unarmed. Co-accused Akkel Sk suddenly assaulted with a weapon on the head of the victim. This caused his death. Whether petitioners had shared common intention to murder the victim is to be assessed in the attending circumstance during trial. There is no chance of abscondence.

4. Under such circumstances we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners 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 learned ACJM Kalna, Purba Bardhaman on condition that the petitioners 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 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.

7. The application being CRM (DB) 573 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)