

01.03.2024
tkm/ct 28
sl no. 65

C.R.M. (DB) 614 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chapra P.S case no. 433 of 2021 dated 3.10.2021 under sections 302/34 IPC
and

Allowed

In Re : Sumiya Mondal ... petitioner

Mr. Kusal Kr Mukherjee
Ms. P Singh

..... for the petitioner

Ms Z N Khan
Mr. Shiladitya Banerjee

..... for the State

1. Petitioner is in custody for more than two years. She submits PW1, mother of the deceased has not implicated her in the assault. She renews her bail prayer.

2. Learned lawyer for the State opposes the bail prayer. She submits victim made dying declaration before treating doctor (PW5) and implicated the petitioner.

3. We have considered the materials on record. The treating doctor (PW 5) deposed victim implicated Nasir Mondal and Sumiya Mondal. But PW1, an eye witnesses claimed Nasir Mondal had assaulted the victim.

4. In view of the aforesaid dichotomy in evidence and as the petitioner is a lady and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

5. Accordingly, the 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 CJM Nadia at Krishnagar 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

7. The application being CRM (DB) 614 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)