

20.03.2024
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allowed

CRM (DB) No. 865 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 798 of 2022 dated 06.11.2022 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365 of the Indian Penal Code adding Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Munni Singh Aghori petitioner

Mr. Koushik Chowdhury
Mr. Sabyasachi Hazra
Ms. Busra Khatun

....for the petitioner

Ms. Faria Hossain, learned APP
Mr. Arabinda Manna

.... for the State

1. Learned Counsel for the petitioner submits she is a lady. It is also submitted she had no motive to commit the crime. She ordinarily resides with the principal accused, her nephew Manosh Singh. Hence, she has been falsely implicated. She prays for bail.

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

3. We have considered the materials on record. Petitioner is the maternal aunt of the principal accused Manosh. Manosh had taken the minor child from his residence. Thereafter he was murdered. Statements of the witnesses show petitioner was present in the house. It is contended that petitioner ordinarily resides with her nephew Manosh Singh. Evidence of

the witnesses has not implicated the petitioner till date. 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, Balurghat, Dakshin Dinajpur, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)