

03.04.2024
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allowed

CRM (DB) No. 975 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 952 of 2023 dated 16.11.2023 under Sections 302/201/34 of the Indian Penal Code and charge-sheet submitted under Sections 302/201/506/34 of the Indian Penal Code.

And

In Re : Tagori Das @ Tagori Haldar petitioner

Ms. Shabana Hasin

....for the petitioner

Ms. Zareen N. Khan

Ms. Trina Mitra

.... for the State

1. Learned Counsel for the petitioner submits she is the mother-in-law of the victim. Co-accused Dipak Chowdhury has been enlarged on bail. She prays for bail on parity.

2. Learned Counsel for the State refers to the statement of the son of the victim.

3. We have considered the materials on record. We note findings in the post mortem report particularly absence of water in the stomach or lungs improbabilises the statement of the son of the deceased who claims to be an eye-witness. In view of the aforesaid dichotomy co-accused has been enlarged on bail. Under such circumstances, petitioner is entitled to similar relief.

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, Jangipur, Murshidabad, 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.)