

18.04.2024
Sl. No.79
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 1200 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2024 in connection with Khanakul Police Station Case No. 718 of 2023 dated 06.12.2023 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.1876 of 2023)

And

In Re: **Sabita Pramanik & Anr.**

... .. Petitioners

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikder
Mr. Rony Mondal

... .. for the petitioners

Mr. Arijit Ganguly
Ms. Madhumita Basak

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for more than 130 days. It is further submitted the de-facto complainant had implicated fourteen persons. Ten of them were discharged in the charge sheet. Petitioners have been falsely implicated. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statement of the de-facto complainant under Section 164 of the Code of Criminal Procedure implicates the petitioners and corroborate the allegations in the FIR. However, the assault attributed to petitioner no.1 on the private parts of the deceased is not corroborated by the injuries noted in the post-mortem report.
4. Under such circumstances, we are of the opinion further detention of the petitioner no.1 is not necessary.
5. Therefore, the petitioner no.1 namely **(1) Sabita Pramanik**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten

thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the said petitioner no.1 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.

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. However, in view of the fact medical evidence supports the part played by petitioner no. 2 in the crime, we are not inclined to grant bail to petitioner no. 2 namely, **(2) Gour Pramanik** at this stage.
8. The application for bail is thus disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)