

24.04.2024

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Allowed

C.R.M. (DB) No. 1282 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 508 of 2023 dated 14.11.2023 under Sections 341/326/307/302/34 of the Indian Penal Code.

And

In Re : Pushparani Mandal @ Puspa Mandal @ Pusparani Mandal ..... petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Mazhar Hossain Chowdhury

.....for the petitioner

Mr. Suman De

Mr. Soumya Basu Roy Chowdhury

.....for the State

1. Learned senior Counsel for the petitioner submits there were disputes amongst co-sharers over the ornaments of her deceased mother. She has been falsely implicated. She is in custody for 163 days. She prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and others assaulted the victim resulting in his death.

3. We have considered the materials on record. Petitioner is an associate of one of the sisters of the victim. She along with others had participated in the skirmish. However, no overt act of assault is attributed to her. Whether she shared common intention to murder the victim with co-accused who had assaulted the victim requires to be assessed during trial.

In view of the aforesaid fact, period of detention suffered by the petitioner and as there is no chance of abscondence, 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 Chief Judicial Magistrate, Berhampore, Murshidabad, subject to condition that petitioner 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.

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