

30.7.2024
Ct. No. 6
SL No. 47
SB /
Tanmoy

C.R.M. (DB) 1450 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Harishchandrapur** P.S. Case No. **588** of **2021** dated **11.08.2021** under Sections 302 of the Indian Penal Code.

And

In the matter of: Manuyara Khatun @ Manowara Khatun

Mr. Md. Wasim Akram ...for the Petitioner

Mr. Bitasok Banerjee

Ms. Kanchan Royfor the State

1. Medical report is placed on record. Medical report shows petitioner is suffering from undifferentiated schizophrenia and is unable to stand trial.
2. Learned counsel for the petitioner contends his brother Manik, son of Nesh Mohammad is ready and willing to keep her in his care and arrange for her medical treatment.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, we direct 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 shall be the brother of the petitioner, namely, Manik, son of Nesh Mohammad, to the satisfaction of the learned Additional Sessions Judge, Chanchal, Malda subject to the condition that the said brother shall keep the petitioner in his care and custody and extend necessary medical treatment. Petitioner shall appear before the Trial Court every three months and would be subjected to medical examination with regard to her mental health. Once her mental health recovers, she shall be placed on trial in accordance

with law. The petitioner shall not intimidate the witnesses and/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 without any further reference to this Court.

6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)