

119.
Court
No.6

14.05.2024

Tanmoy Ghosh

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1519 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Palashipara Police Station Case No. 84 of 2024** dated **15.02.2024** under Sections **302/120B** of the Indian Penal Code, 1860.

And

In the matter of: - **Hira Roy**

...petitioner.

Mr. Arindam Jana, Adv.,
Mr. Asraf Mandal, Adv.

...for the petitioner.

Mr. Sandip Chakrabarty, Adv.,
Mr. Rahul Ganguly, Adv.

...for the State.

The petitioner is one of the co-accused persons. The allegation is of commission of offence under Sections 302/120B of Indian Penal Code.

The relevant facts are that one Biplab Chatterjee was married to Barnali Chatterjee. Biplab is the victim. His dead body was recovered from a house under construction which is next to Biplab’s house.

Barnali had initiated criminal proceedings under Section 498A of Indian Penal Code wherein the family members of Biplab were accused persons. The petitioner says that she, being the maternal aunt (masi) of Barnali, has been falsely implicated in this case. She has absolutely no connection with Biplab’s death.

Learned Advocate for the State strongly opposes the prayer for bail. He draws our attention to the material in the case diary and submits that there is sufficient complicity of the petitioner in the alleged crime.

We have perused the case diary and the statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure, 1973. *Prima facie* there does not appear to be any direct connection between the petitioner with the alleged crime. Further, investigation is complete and charge-sheet has been submitted. In our opinion, no useful purpose will be served by detaining the petitioner in custody any further. She has already been in custody for eighty nine days.

Accordingly, we direct that the petitioner, namely, **Hira Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia and on further condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the Trial Court until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1519 of 2024 is accordingly allowed and disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)