

21.
21-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1532 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No.66 of 2024 dated 26-01-2024 under Sections 325/307/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Rubina Sha & Ors.

.... Petitioners.

Mr. Md. Asraf Ali,
Mr. Rafikul Islam Sardar

... For the Petitioners.

Mr. Sarjati Datta,
Ms. Pinky Sarkar

... For the State.

The petitioners are the accused persons in a case registered under Sections 325/307/302/34 of the Indian Penal Code.

The petitioners say that the incident arose out of a family dispute. There was altercation between members of the family which resulted in injury to the mother of the defacto-complainant, who subsequently succumbed to such injury. Other people were also injured. There was no premeditated plan on the part of the petitioners to cause any grievous bodily hurt to the injured victims or cause death of the deceased victim.

Learned advocate for the State opposes the prayer for bail. He says that there is sufficient incriminating material against the petitioners and draws our attention to statements recorded under Section 164 of the Code of Criminal Procedure. He says that charge sheet has been filed and the matter is pending for committal.

We have assessed the material in the Case Diary. Although there may be some material on record, we are of the view that given the nature of the allegation and the facts and circumstances in which the alleged incident took place, the petitioners need not be further detained in custody since investigation has been completed and charge sheet has been submitted.

Accordingly, we direct that the petitioners, namely, **Rubina Sha, Nurpan Bibi, Nuruddin Sha @ Chotka and Sahidul Sha @ Khepu**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Howrah. The petitioners 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. The petitioners shall not enter the jurisdiction of Sankrail Police Station until further orders and shall furnish their addresses, where they presently reside, with the Officer-in-Charge of the jurisdictional police station. The petitioner nos.3 and 4 shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

In the event the petitioners fail to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1532 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)