

10.06.2024
Item no. 42.
Court No.28.
AB
(Allowed)

CRM (DB) 1610 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No.84 of 2024 Dated 15.2.2024 under Sections 302/120B of the Indian Penal Code

And

In the matter of : Barnali Chakraborty (Chatterjee)

.....Petitioner.

Mr. Arindam Jana,
Mr. Asraf Mondalfor the Petitioner.

Ms. Sreyashi Biswas,
Ms. Trina Mitrafor the State.

Mr. Atis Kr. Biswas,
Ms. Jyoti Agarwal,
Ms. P. Mondalfor the Defacto complainant.

The case has been registered under Sections 302/120B IPC. The victim was the husband of the present petitioner. The victim's body was recovered from a house under construction which is next to the victim's house.

The petitioner says that she and her family members have been falsely implicated in this case as a counter blast since she had lodged complaint under Section 498A IPC against the family members of the victim. She says that she left the matrimonial home three years ago and has been residing in her parental house. A divorce proceeding between her and the victim

has been pending. She says that she has no connection at all with the death of the victim.

Learned Advocate for the State as also learned Advocate for the defacto complainant, who is the brother of the victim, strongly oppose the prayer for bail. They say that there are sufficient incriminating materials in the case diary, which would point towards the guilt of the petitioner. The matrimonial suit instituted by the petitioner was dismissed. If the petitioner is released on bail, there is possibility of her tampering with evidence.

We have considered the rival contentions of the parties. The petitioner has been staying away from the matrimonial home for more than three years. Investigation is complete and charge sheet has been filed. She is in custody for about 118 days. In our view, no useful purpose will be served by further detaining the petitioner in custody. Hence, we are inclined to allow this application on certain terms and conditions.

Accordingly, we direct that the petitioner, namely, Barnali Chakraborty (Chatterjee) 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 Additional Chief Judicial Magistrate, Tehatta and on further conditions that she shall not leave the jurisdiction of the concerned police station and shall cooperate with the investigation until further orders.

The petitioner 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without 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 is, accordingly, allowed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)