

41. 02.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1879 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Shyampur Police Station Case No. 400 of 2020**, dated **29.12.2020** under Sections **498A/326/307/34** of the Indian Penal Code, adding **Sections 304B/302** of the Indian Penal Code. Charge-sheeted under Sections **498A/304B/302/34** of the Indian Penal Code.

And

In the matter of: - **Rousanara Begum & Anr.**

...petitioners.

Mr. Md. Sarwar Jahan, Adv.,
Mr. Maidul Islam Kayal, Adv.,
Mr. Sumit Naskar, Adv.

...for the petitioners.

Mr. Antarikshya Basu, Adv.,
Mr. Sachit Talukdar, Adv.

...for the State.

The petitioners are the mother-in-law and sister-in-law of the victim lady. They say that the victim committed suicide by setting herself on fire after pouring kerosene on herself. They say that the husband and the father-in-law have been enlarged on bail. They are in custody for 657 days. The trial is proceeding at a snail's pace. It is anybody's guess when the trial will conclude. They should be enlarged on bail.

Learned Advocate for the State, while opposing the prayer for bail, says that the husband and the father-in-law stood on a different footing. The neighbour independent witnesses have recorded in their statements that the husband and the father-in-law were not present at the place of occurrence.

We find that the victim in her 'dying declaration' implicates all her family members excepting her husband. Going by that, the victim's father-in-law and the present petitioners would be standing on the same footing.

We further see that only one out of seventeen charge-sheet named witnesses is in the process of being examined. There is no possibility of an early conclusion of the trial.

In the facts and circumstances afore-stated, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioners, namely, **1. Rousanara Begum, 2. Tanuja Khatun** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) each with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia, Howrah, subject to condition that the present petitioners shall appear before the learned Trial Court on each 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.

In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1879 of 2024 is accordingly 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.)

(Apurba Sinha Ray, J.)