

42.
Court
No.28

19.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1989 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Domkal Police Station Case No.405 of 2023** dated **16.06.2023** under Sections **341/325/326/307/302/34** of the Indian Penal Code, 1860. Charge-sheet submitted under Sections **341/325/326/307/302/506/34** of the Indian Penal Code, 1860.

And
In the matter of: - **Sabina Yasmin @ Sabina Iyasmin Bibi**
...petitioner.
Mr. Arnab Chatterjee, Adv.,
Ms. Poulami Bose, Adv.
...for the petitioner.
Mr. Bibaswan Bhattacharya, Adv.,
Ms. Sudipa Biswas, Adv.
...for the State.

The petitioner says that she has no role to play in the alleged offence. She might have been present at the scene of the offence. She is in custody for about 360 days. Investigation is complete. She may be released on bail.

Learned Advocate for the State, while opposing the prayer for bail, draws to our attention statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure, 1973. One of the injured witnesses, in his statement recorded under Section 161 Cr.P.C., says that all the persons including this petitioner actively played roles in the alleged incident. However, the same person, in his statement recorded under Section 164 Cr.P.C., says that this petitioner was merely present at the scene of occurrence. No specific role was attributed to her.

In view of the aforesaid inconsistencies in the statements of the injured witness and on an overall assessment of the

material on record and that the petitioner has been in custody for almost a year, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Sabina Yasmin @ Sabina Iyasmin Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore, subject to 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.

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.

In the event the petitioner repeats similar kind of acts, the State will be at liberty to apply for cancellation of the bail.

The application for bail being CRM (DB) 1989 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.)

(Apurba Sinha Ray, J.)