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10-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1983 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore Police Station** Case No. **1014 of 2022** dated **02.08.2022** under Sections **498A/304B/302/34** of Indian Penal Code.

- A n d -

In the matter of : Saraswati Rajbangshi

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,

... For the Petitioner.

Mr. Partha Sarathi Das,
Mr. Ivan Roy,

... For the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Leave is granted to the learned Advocate on record for the petitioner to correct the cause title.

Learned Advocate for the petitioner submits that the petitioner being the mother in law of the victim has been languishing in judicial custody for more than ten months and the investigation of this case has already been completed. As such there is no necessity of custodial detention of the present petitioner, who is a lady.

Learned Advocate for the State strongly opposes the prayer for bail. He submits that there is sufficient incriminating evidence in the case diary which shows that the present petitioner was also involved in the alleged crime of brutal murder of her daughter in law within one month of her marriage. The post mortem report

shows that the death was due to the effect of manual strangulation and anti-mortem homicidal in nature. As the investigation points to the involvement of the present petitioner in commission of the alleged offence, her bail prayer should be rejected.

We have considered the materials on record and the case diary. It transpires that the death was due to the effects of manual strangulation. It is also found that investigation has already been completed. The husband and father in law of the victim are already in custody.

Considering the fact that the present petitioner is a lady and she has been in incarceration for more than ten months and the fact that she may not be the prime suspect given that the alleged incident occurred around 1.30 a.m. on the relevant day, we are inclined to grant bail to her.

Accordingly, we direct that the petitioner, namely, **Saraswati Rajbangshi**, 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 Chief Judicial Magistrate, Berhampore, Murshidabad and on further conditions that she shall not leave the jurisdiction of the concerned police station 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 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.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)