

30.7.2024
Ct. No. 6
SL No. 57
SB /
Tanmoy

C.R.M. (DB) 2137 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No. 451 of **2020** dated **10.06.2020** under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of: Gemi Bibi @ Jemi Bibi

Mr. Mrityunjoy Chatterjee

Mr. Akash Sarkar

...for the Petitioner

Mr. Avishek Sinha

Mr. Aslam Parvez

....for the State

1. Learned counsel for the petitioner submits the petitioner is the mother-in-law of the victim lady. She is in custody for 89 days. Co-accused are on bail / anticipatory bail. She prays for bail on the ground of parity.
2. Learned counsel for the State contends the petitioner had absconded for four years.
3. We have considered the materials on record. Petitioner is the mother-in-law of the victim lady. Though the victim died due to strangulation, there is no direct evidence that the petitioner had strangled her. Other in-laws of the house have been enlarged on bail. There is no possibility of the trial commencing in the near future. Under such circumstances no worthwhile purpose would be served in extending the detention of the petitioner. Accordingly, she is enlarged on bail.
4. Accordingly, we direct the petitioner 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, Malda subject to condition that the petitioner shall appear before the trial court on each and every date

of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel her bail without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)