

36. 24.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2492 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sagarpara** Police Station Case No. **198/2023**, dated **12.7.2023** under Sections **498A/302/120B** of the Indian Penal Code.
And

In the matter of: - **Jayal Sekh @ Joynal Sk & Anr.** ...petitioners.
Mr. Soumajit Das Mahapatra
Ms. Soma Mal
Ms. Rabia Khatoon
...for the petitioners.
Mr. Rudradipta Nandy, APP
Mr. Saptarshi Chakraborty
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners are the parents-in-law of the victim lady. The prime accused is the husband of the victim lady. The petitioners say that they are in custody for 128 days and 115 days respectively. They have no role to play in the alleged offence of murder of the victim lady. Investigation is complete. They pray for bail.
2. While opposing the prayer for bail, learned Additional Public Prosecutor points out from the material in the case diary including statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973 that the present petitioners along with the husband of the victim lady hatched a conspiracy and killed her within three years of marriage.

The date for framing of charge was August 28, 2024, but charge was not framed on that date.

3. We have considered the material on record and the possible extent of complicity of the petitioners in the alleged offence. The prime accused being the husband of the victim lady is in custody. Since investigation is complete, we are of the view that further custodial detention of the parents-in-law of the victim lady, who are 58 years and 50 years of age, is not necessary.
4. Accordingly, we direct that the petitioners, namely, **1. Jaylal Sekh @ Joynal Sk, 2. Ferdousa Bibi @ Ferdousi Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 1st Court, Berhampore, Murshidabad, subject to condition that the petitioners 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 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2492 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available 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.)