

05.09.2024  
Item no. 92.  
Court No.28.  
AB  
(Allowed)

**CRM (DB) 2535 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Islampur Police Station Case No.84 Dated 10.07.2008 under Section 302/34 of the Indian Penal Code

And

**In the matter of : Marjina Bibi @ Munjila Bibi**

**.....Petitioner.**

Mr. Dipta Dipak Banerjee,  
Mr. Ishaan Aditya .....for the Petitioner.

Ms. Z. N. Khan  
Ms. Debjani Dasgupta .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner says that she is in custody for 158 days. She has no role to play in the alleged murder. The co-accused being her husband has been acquitted by the learned Trial Court by a judgment and order dated 31.03.2023. She prays for bail.
2. Opposing the prayer for bail, learned State Counsel says that the petitioner was absconding for 16 years. It was only after her husband was acquitted, she could be arrested.
3. We have considered the facts and circumstances of the case. On an overall assessment of the material on record and keeping in mind that the other co-accused person, being the husband of the petitioner, has been acquitted by the learned Trial Court, we are of the view

that further custodial detention of the petitioner may not be necessary.

4. Accordingly, we direct that the petitioner, namely **Marjina Bibi @ Munjila Bibi** 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, and on further conditions that she shall not leave the jurisdiction of the concerned police station until further orders and shall cooperate with the investigation.
5. 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 and/or commit any cognizable offence in any manner whatsoever.
6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Arijit Banerjee, J.)**

**(Prasenjit Biswas, J.)**

