

16.01.2024.
35.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4692 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip P.S. Case No.46 of 2022 dated 06.08.2022 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : **Mother of the Victim girl.**

.... Petitioner.

Mrs. Karabi Roy.

...for the Petitioner.

Mrs. Anasuya Sinha.

...for the State.

1. Petitioner is an impoverished lady. She used to reside in a platform with her eight year old daughter and an infant son. Her daughter was raped and murdered by co-accused. She has been falsely implicated. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the bail prayer. She contends petitioner knew the co-accused. She had telephonic conversations with them. She did not raise hue and cry when the victim had been taken away by the miscreants.
3. We have considered the materials on record. Petitioner is a poor lady. She used to stay on a railway platform with her family. Allegations of rape and murder are not levelled against her. Though CDRs collected in the course of investigation show telephonic conversation between petitioner and co-accused, contents of such conversations are unknown. Allegation of abetment between petitioner and co-accused is based on surmises and conjectures.

4. Under such circumstances, we are inclined to grant bail to the petitioners.

5. Accordingly, 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 Additional Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)