

02.01.2024.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4779 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola P.S. Case No.141 of 2023 dated 13.04.2023 under Sections 302/120B/34 of the Indian Penal Code.

In the matter of : **Sabe Kunnahar Bibi.**

.... Petitioner.

Mr. Pratip Kr. Chatterjee,
Mr. Kuntal Ray.

...for the Petitioner.

Mr. Soumik Ganguli.

...for the State.

1. Petitioner contends she is in custody for more than 263 days. Co-accused have been granted bail. She renews her prayer for bail.
2. Learned Advocate for State oppose the bail prayer.
3. We have considered the materials on record. Allegations are grave and involve emasculation of the victim who ultimately succumbed to his injury. However, co-accused are on bail and there is no progress in the matter since rejection of bail by this Court. Petitioner is a lady and there is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Sabe Kunnahar 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

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.)