

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

02.04.2024
Court No.01
rpan /20

CRM (DB) 94 of 2024

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Sonjila Khatun @ Sanjila Khatun

- Petitioner.

Ms. Madhushri Dutta

.... for the petitioner.

Mr. Abhijit Sarkar,

Mr. Aniruddha Biswas

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Rajganj Police Station Case No.282 of 2023 dated 02.06.2023 under Sections. 498A/302/120B of the Indian Penal Code.

Ms. Dutta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. She is languishing in custody since 2nd June, 2023. Upon completion of investigation chargesheet has also been submitted and as such further detention of the petitioner may not be necessary, more so when she is a lady member of the family and there is no possibility that she would flee from justice. Other co-accused persons have already been enlarged on bail.

Mr. Biswas, learned advocate appearing for the State denies and disputes the contention of the petitioner and submits that there are strong incriminating materials on record against the petitioner. On the statement of the petitioner the bottle of poison was recovered. In the said conspectus, the prayer of the petitioner should be refused.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The husband of the deceased namely, Lokhibar Rahaman has already been enlarged on bail. No contemporaneous document has been produced to show that the petitioner, either in custody or otherwise, wields influence over the witnesses.

Considering the nature of allegations, the manner in which the alleged offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary, moreso when there is no reasonable apprehension that she would flee from justice.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Jalpaiguri with a further condition that she shall not intimidate the witnesses and/or tamper with evidence in

any manner whatsoever. She will also attend the learned trial court on all the dates as fixed for hearing.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel her bail without any further reference to this Court.

With the above observations and direction, the application for bail, being CRM (DB) 94 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)