

76.
08-11-2024
(ct. no.01)
S. De
(Allowed)

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

CRM (DB) 537 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Matigara Police Station Case No. 1437 of 2021** dated **23.12.2021** under **Section 302** of the Indian Penal Code.

And

In the matter of : Soma Debi @ Devi.Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das,for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra,for the State.

Dictated by Biswaroop Chowdhury, J.

1. Learned advocate for the petitioner and learned advocate for the opposite party/State are present.
2. Heard learned advocates for the parties.
3. Perused the materials in the case diary.
4. Learned advocate for the petitioner submits that his client is falsely implicated in the instant case and she is in custody for a period of 2 years and 10 months and still 7 witnesses are to be examined.
5. Learned advocate for the opposite party/State submits that there is no statement under Section 164 Cr.P.C. The iron road was recovered from the house of the accused and the

body of the victim was also recovered from the house of the accused.

6. Upon considering the materials in the case diary and upon hearing the learned advocates and considering the fact that the petitioner is a female person and is in custody for 2 years 10 months, we are of the view that as there is no reasonable apprehension to abscond and tamper with witnesses in the interest of justice the petitioner should be enlarged on bail.
7. Thus, we allow the prayer for bail made by the petitioner.
8. Accordingly, we direct that the petitioner, namely **Soma Debi @ Devi** 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, Siliguri and on further conditions that she shall not leave the jurisdiction of the Court until further orders and shall not meet with any person acquainted with the facts of the case.
9. 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 in any manner whatsoever.
10. 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.
11. The application for bail is, accordingly, allowed.

12. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)