

CRM (DB) 227 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Islampur Police Station Case No.118 of 2023 dated 29-03-2023 under Section 302 of the Indian Penal Code.

- A n d -

In the matter of : Marjina Bibi

.... Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Ms. Suchismita Chakraborty
Mr. Arindam Poali

... For the Petitioner

Mr. Partha Pratim Das
Mr. Abhinaba Mukherjee

... For the State

Dictated by Arijit Banerjee, J.

1. The petitioner renews her prayer for bail which was last rejected on January 19, 2024 in CRM (DB) 180 of 2024. She says that only five out of 16 charge sheet named witnesses have been examined. She is in custody for almost two years. She renews her prayer for bail on the touchstone of Article 21 of the Constitution of India.

2. Learned State counsel opposes the prayer. He draws our attention to the postmortem report and also the deposition of witnesses already examined. He says that the victim was the petitioner's husband. They used to reside together in a room. It could only have been the petitioner who murdered the victim.

3. We have considered the materials on record and also the depositions of the witnesses so far examined. There is no eyewitness to the alleged murder. The entire case is based on circumstantial evidence. There is less than satisfactory progress in the trial. The prosecution has examined five witnesses. It proposes to examine nine more witnesses. The petitioner is already in custody for about two years.

4. Considering the period of detention of the petitioner who is a lady and also seeing that early conclusion of the trial is improbable, we are inclined to allow the petitioner's prayer for bail solely on the touchstone of Article 21 of the Constitution of India without touching the merits of the case.

5. Accordingly, we direct that the petitioner, namely, **Marjina Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. 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.

6. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

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

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)