

21.04.2025

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jdt.

Partly Allowed

C.R.M. (DB) 680 of 2025

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 439 of the Code of Criminal Procedure filed in connection with Kharagpur Town Police Station Case No. 421 of 2023 dated 03.09.2023 under Sections 498A/304B/302/323/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Musim Bewa & Anr.

... Petitioners.

Mr. Jayanta Narayan Chatterjee
Ms. Jayashree Patra

... For the Petitioners

Mr. Debabrata Acharyya
Sk Samsul Arefin
Mr. Sital Samanta

... For the *Defacto* complainant

Md.Abdul Badr
Mr. Soumya Basu Roychowdhury
... For the State.

Report submitted by the State is taken on record

Heard learned counsels for the parties.

It appears from the report that the first petitioner is suffering from certain ailments which are being taken care of at the correctional home. Therefore, her medical condition may not be a ground for consideration of her bail prayer.

However, the material on record *prima facie* suggests that the 2nd petitioner who is the husband of the victim assaulted the victim and hanged her, resulting in her death. Post mortem report demonstrates presence of multiple injuries on the person of the victim apart from the ligature mark.

Allegations against the first petitioner who is the mother in law of the victim are general and omnibus.

Upon consideration of the material on record and extent of complicity of the petitioners in the alleged crime, this Court is inclined to hold that further detention of the first petitioner is not required and she may be released on bail.

However, considering the *prima facie* involvement of the 2nd petitioner in the alleged crime, his prayer is rejected at this stage.

The 1st petitioner namely Musim Bewa shall be released on bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Kharagpur subject to condition that she shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and she shall not tamper with the evidence or intimidate the witnesses in any manner whatsoever.

In the event the 1st petitioner fails to comply with any of the conditions stated above without any justifiable cause, the learned trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)