

April 21, 2025

5 ARDR

Allowed

CRM (R) 9 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Naihati** Police Station Case No. 272 of 2024 dated 30/9/2025 under Sections 103(1)/3(5) of the BNS.

And

In Re : Sushmita Sharma @ Shumita

... Petitioner.

Adv. Shambhunath De,

... for the petitioner.

Adv. Arijit Ganguly,

Adv. Mujibar Ali Naskar,

... for the State.

Learned counsel for the petitioner submits that the petitioner is not involved in the alleged offence and was only a passer by who went to rescue the victim. The victim was assaulted by his wife, son and daughter and subsequently succumbed to his injuries. The petitioner was arrested on 30th September, 2024 whereas her name was disclosed by a witness for the first time only on 21st October, 2024. The petitioner prays for bail.

Opposing the prayer, learned counsel for the State submits that the petitioner has been named as one of the assailants by witness Raju Saha and another witness Arnab Ghosh has also referred to the petitioner.

It appears that the petitioner is in custody for about 200 days. The victim has not named the petitioner in his dying declaration and has alleged that he was assaulted by his wife, son and daughter. It appears from the statement of one of the witnesses recorded under Section 161 of the Code of Criminal Procedure that the petitioner kicked the victim at the time of alleged incident. The fatal blows were apparently inflicted by the wife and son.

Considering the material available in the Case Diary as well as the extent of complicity of the petitioner in the alleged crime, this Court is of the view that further detention of the petitioner is not required and he may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Sushmita Sharma @ Shumita 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, Barrackpore, subject to the condition that she shall appear before the learned trial Court on every date of hearing fixed by the learned Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date without 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.)