

28
16.05.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 296 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Galsi P.S. Case No. 433 of 2024 dated 30.06.2024 under Sections 302 of Indian Penal Code.

And

In Re : **Sunayani Giri**

... Petitioner.

Mr. Moyukh Mukherjee
Mr. Debanjan Chatterjee
Ms. Sagnika Banerjee

... for the Petitioner.

Mr. Kausik Kundu
Ms. Suruchi Saha

... for the State.

Mr. Sanat Chandra
Mr. Subhajit Purkait
Mr. S. Ghosh

...for the de facto complainant.

Heard learned counsels for the parties.

The petitioner is in custody for more than 11 months and prays for bail.

Learned counsel for the State opposes the prayer.

Bail prayer of the petitioner was turned down by this Court on 27th February, 2025 on two-fold counts. First, the mobile phone and the rope used to strangle the victim were recovered from the possession of the petitioner. Second, statements of witnesses recorded under Section 164 of the Criminal Procedure Code show the complicity of the petitioner.

It appears from the seizure list that the mobile phone of the victim and the rope used to strangle him were recovered from the principal accused and not from the

petitioner. Only the petitioner's own mobile phone was recovered from her. The statement of witnesses recorded under Section 164 of the Code of Criminal Procedure show that a lady used to accompany the principal accused. The petitioner is not named by the witnesses, nor has she been placed in Test Identification parade for being identified by the witnesses. Charge sheet has been submitted against the petitioner under Section 109 of the Indian Penal Code. The earlier prayer for bail was turned down on the anvil of wrong and misleading statement made on behalf of the State. This is extremely unfortunate.

Learned counsel for the State points out that there are call records indicating nexus between the petitioner and the deceased. But such call records appearing in the case diary are not legible and it cannot be inferred therefrom that the petitioner was prima facie involved in the murder of the victim.

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

Accordingly, prayer for bail is allowed.

The petitioner **Sunayani Giri** 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 Chief Judicial Magistrate, Purba Bardhaman subject to condition that she shall appear before the learned trial Court on every date of

hearing. She 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 thus 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.)