

26.06.2025

41

jb.

jdt.

Allowed

C.R.M. (M) 642 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Lalgola Police Station Case No. 1024/2024 dated 12.10.2024 under Sections 115(2)/118(2)/110/3(5) of the Bharatiya Nyaya Sanhita.

And

In Re : Tahera Khatun @ Tahira Khatun @
Tahera Bibi

Mr. Tapodip Gupta

... For the Petitioner.

Ms. Amita Gaur

Md. Yaser A Ismail

... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for more than 7 months. She is not the principal assailant and has not been named by the witnesses in their statement recorded under Section 164 of the Code of Criminal Procedure. Co-accused standing on the same footing has been granted anticipatory bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

The petitioner does not appear to be the principal assailant. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure do not name the petitioner as one of the assailants. Some of the co-accused are still absconding.

Considering the material on record particularly the extent of complicity of the petitioner in the alleged offence,

this Court is inclined to hold that further detention of the petitioner is not required. She may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Tahera Khatun @ Tahira Khatun @ Tahera Bibi 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, Lalbagh, Murshidabad subject to condition that she shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. She shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing 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.)