

02.09.2025

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Partly Allowed

C.R.M. (M) 1152 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Magrahat
Police Station Case No. 251 of 2024 dated 06.07.2024 under
Sections 126(2)/117(2)/103/3(5) of the Bharatiya Nyaya Sanhita.

And

In Re : **Ekina Bibi @ Rupsana Sarkar & Ors.**

... Petitioners.

Mr. Ayan Bhattacharjee
Safiqul Islam

... For the Petitioners.

Zareen Nasima Khan
Mr. Tirthankar Dhali

... For the State

Report submitted by the State is taken on record.

The petitioners are in custody for about 6 months and pray
for bail.

Learned counsel for the petitioners submits that co-accused
similarly circumstanced with the petitioners have been granted
bail. Charge sheet has been submitted. Private witnesses have
been examined. Further detention of the petitioners is not
required.

Learned counsels for the State and the defacto complainant
oppose the prayer.

Learned counsel for the State submits that the co-accused
who are on bail have been threatening the witnesses as well as the
family members of the victim, insisting on their withdrawal of their
complaint.

I have considered the material on record.

The third petitioner Sona Sarkar @ Raihan Sarkar has been
implicated by the witnesses. However, no specific overt act has

been attributed to the first and the second petitioners who are ladies.

Considering the extent and involvement of the petitioners in the alleged offence, this Court is of the view that prayer for bail of the third petitioner cannot be allowed at this stage and is, therefore, rejected at this stage.

However, considering the extent of complicity of the first and second petitioners in the alleged offence, this Court is inclined to hold that their further detention is not required and they may be released on bail.

Accordingly, the prayer for bail of the first petitioner and the second petitioner is allowed.

The said petitioners namely Ekina Bibi @ Rupsana Sarkar and Sabena Bibi @ Sabana Bibi shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Diamond Harbour subject to condition that they shall remain outside the jurisdiction of Magrahat police station except for the purpose of appearing before the learned trial Court on every date of hearing fixed by the learned trial Court. They shall furnish the address where they shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction they shall presently reside. They shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. They shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the first petitioner and second petitioner fail to adhere to any of the conditions stated hereinabove, the learned

trial Court shall be at liberty to cancel their 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.)