

17.02.2025
Item No.92
Court No.26
S.D.
(Bail granted)

CRM (DB) 4032 of 2024

In re: An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhagwangola** Police Station Case No. **571** of **2023** dated **24.11.2023** under Sections **498A/326/307/34** of the Indian Penal Code, 1860 with adding Section **302** of the Indian Penal Code, 1860.

-And-

In the matter of : Najima Bibi @ Bulbul

... .. Petitioner

Mr. Arnab Chatterjee

Ms. Poulumi Bose

... .. For the Petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.,

Ms. Sanjana Saha

... ..For the State

Md. Bani Israil

....For the defacto complainant

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 8 months. Police filed charge sheet and, therefore, further detention of the petitioner is not required.

State and the defacto complainant are represented.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the dying declaration. He submits that the prayer of the present petitioner for anticipatory bail was turned down. He points

out that this Court rejected the prayer for another co-accused today.

There is a dying declaration of the victim. Dying declaration of the victim attributes active role so far as the some accused are concerned. So far as the petitioner before us is concerned, the dying declaration states that the petitioner was present at the place of occurrence and was provoking the incident.

As against the other co-accused, their prayer for bail was turned down by us considering their role in the incident. So far as the petitioner is concerned, there is a distinction. Petitioner is not stated to be actively participating in the pouring of kerosene on the victim and setting fire to the victim.

Taking the period for custody into consideration and the role ascribed by the victim in the dying declaration so far as the petitioner is concerned, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

C.R.M.(DB) 4032 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)