

Sess. 319/11.

Accd. Kanika Barman @ Teneka
is produced before court from

4.
14-4-11
accused
etc. One bail petition has filed
on behalf of the accd. Kanika
Barman @ Teneka and praying
for bail on the grounds stated
in the petition.

Ld. Adv. Sri Anup K. Dey is
present on behalf of the prosecution.

The petition for bail is taken up for hearing.
Heard the Ld. Advocate for the accused and the
Ld. P.P. in charge.

Perused the petition and other materials on record
and considered.

It is learnt from the submission made by the
Ld. Advocate for the accused that the charge sheet was
filed against the accused u/s 302 I.P.C. on a fact that
some miscreants were breaking the wall of the house made of
jute sticks.

The accused became afraid seeing the said incident
and in order to drive the said miscreants out she pushed
a knife through the hole of the wall which was created
by the miscreants and she died.

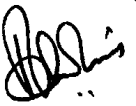
I have perused the statement of the witnesses
recorded u/s 161 Cr.P.C. and all the witnesses narrated the
said fact in their statements. Whether the said act of
the accused will come under the scope of Section 302 IPC
or not is a question to be decided during trial of the case.
At present, I like to mention that the accused is a lady.
She has a baby in her lap. For the purpose of investigation
her detention is not necessary at this stage. The accused
has a permanent residence at Haldibari. (Contd..)

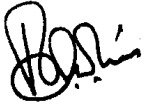
On the contrary, the Ld. P.P. in charge submits that the Ld. Sessions Judge, Cooch Behar refused the prayer for bail as there is direct evidence against the accused.

Considering the materials on record and the statement of the witnesses, I am inclined to release the accused on bail at this stage.

The accused may find bail of Rs.6000/- with two sureties of Rs. 3000/- each, one of whom must be a local surety having landed property within the jurisdiction of Mekliganj P.S. i.d. to J.C. If on bail to 26.9.2011 for appearance and further order.

Dict. & Corrected.


Judge Spl cum Addl. Sess. Judge,
Cooch Behar.


Judge Spl. cum Addl. Sess. Judge,
Cooch Behar.

14.9.2011.

In view of above

5.
16.9.11