

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (M) 195 of 2026

In Re: - An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 **in connection with Malbazar Police Station Case No. 458 of 2024 dated 05.08.2024 under Sections 103(1)/61(2) of the Bharatiya Nyaya Sanhita, 2023..**

- **And** -

In the matter of: - **Munni Khatun.**
... petitioner.

Mr. Sudip Guha,
Ms. Sayantani Das,
Ms. Ankita Nag.
...for the petitioner.

Mr. Dr. Arjun Chowdhury,
Ms. Riya Agarwala.
... for the defacto complainant

Mr. Avrojoyti Das, ld. APP.,
Mr. Gobinda Ghosh,
Ms. Madhushri Dutta.
... for the State

1. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 735 days. Charge has not yet been framed. The other accused persons were granted anticipatory bail. There is no chance of an early conclusion of the trial. The petitioner is a lady and she may be enlarged on bail on any conditions.
2. Learned counsel for the defacto complainant has raised vehement objections to the prayer for bail. According to him, there are

sufficient incriminating materials against the present petitioner who was the master-mind of all the misdeeds. She played an active role in committing murder of two persons one of whom was her husband and another is the second wife of her husband.

3. The record shows that on one occasion, the petitioner set dwelling the unit on fire and in this regard, the son of the petitioner gave the statement before the learned Judicial Magistrate under Section 164 of the Code of Criminal Procedure.
4. The father of the petitioner is still threatening the defacto complainant and others and if, she is enlarged on bail, the prosecution witnesses cannot freely depose before the learned Trial Court.
5. Dr. Arjun Chowdhury, learned counsel for the defacto complainant has placed a judgment in the case of ***Sudha Singh vs. State of Uttar Pradesh and Anr.*** reported in ***(2021) 4 Supreme Court Cases 781*** in support of his contention that when there was conspiracy of murder or there is a threat perception, the same should be taken into consideration at the time of granting or denying the bail.
6. Learned counsel for the State has also opposed the prayer for bail. According to him from the case diary, it is transpired that just before the incident, there was a quarrel between the petitioner, her relatives and the victims. The pictures from the place of occurrence show that a lady cannot commit suicide from the elephant tower unless the same was assisted by somebody. Therefore, in all probability, the petitioner was responsible for hanging the female

victim from the elephant tower with the help of other accused persons.

7. I have gone through the materials on record. It appears from the Post Mortem Report of the female victim that the Doctor opined **“hanging is always suicidal in nature unless proved otherwise. So, IO is advised to correlate the autopsy report finding with the circumstantial evidence for exact manner of causation of hanging”**. But the I.O. has failed to bring any material in support of the allegation of murder.
8. From the FIR it is revealed that on three occasions, the present petitioner tried to kill the victims but not a single FIR or G.D. was lodged to that effect. There was no eye-witness who saw the victim and others to commit the murder of two. There was no direct eye-witness who said that the petitioner and others conspired to kill them.
9. However, considering the period of detention and also the fact that charge has not yet been framed, it is nobody's guess when the trial will be commenced and when the same will be concluded.
10. In view of the above, the prayer of the petitioner for bail is allowed on the following conditions:
 - a) The petitioner, namely, **Munni Khatun**, shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of Rs.10,000/- (Rupees Ten Thousand) each, one of whom must be local to the subject to the satisfaction of **learned Chief Judicial Magistrate, Jalpaiguri**.

- b) The petitioner shall remain within the geographical limits of Jalpaiguri but shall not enter the jurisdiction of Malbazar Police Station.
 - c) The petitioner shall appear before the learned Trial Court on each and every date of hearing and/or as and when to be directed by the Court.
 - d) The petitioner shall not intimidate or threaten the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever.
 - e) She shall inform her current local address to the learned Trial Court and the concerned I.O. of this case.
11. In the event, the petitioner fails to adhere to any of the conditions stipulated above, the Trial Court shall be at liberty to cancel the bail in accordance with law.
12. The application for bail is, thus, **allowed**.
13. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
14. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)