

15.10.2020
SL No.23
AP

CRM 7998 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Madhyamgram** P.S. Case No.**315 of 2020** dated **21.08.2020** under Section **306** of the Indian Penal Code.

And

In the matter of: **Rumki Sarkar**

....Petitioner.

Mr. Sandip Bhattacharya,
Mr. Probal Sarkar,
Ms. D. Pramanik

...for the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das

...for the State.

Petitioner is in custody for about 56 days. It is submitted on behalf of the petitioner though the petitioner was socially known to the deceased, there was no love affair between the parties. It is also submitted on behalf of the petitioner that ingredients of offence under Section 306 of the IPC are not disclosed in the facts of the case and the investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner had love affair with the deceased and on such score the petitioner had taken large sums of money. As a result the victim committed suicide.

We have considered the materials on record in the light of the submissions made on behalf of the parties. The deceased did not leave behind any suicide note implicating the petitioner. Whether the acts of the petitioner would constitute abetment to suicide or not may be assessed at the appropriate stage of the proceedings in accordance with law. However, in the facts and circumstances of the case and keeping in mind the period of detention already suffered by the

petitioner and as the investigation is complete, we are inclined to grant bail to the petitioner.

Let the petitioner 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, Barasat, North 24-Parganas subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses 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 any further reference to this Court.

The application for bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)