

11.12.2020
Sl. No. 69
akb
[ALLOWED]

C. R. M. 10216 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.12.2020 in connection with Banshihari Police Station Case No. 58 of 2020 dated 05.05.2020 under Section 498A/302/201 of the Indian Penal Code. (G.R. Case No.283 of 2020)

And

In Re: **Rabi Shil**

... .. Petitioner

Ms. Jeenia Rudra .. Advocate

... .. for the petitioner

Mr. Swapan Banerjee .. Advocate

Mr. Suman De .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 219 days. It is further submitted that the incident occurred 25 years after marriage. It is also submitted that victim committed suicide by hanging from a tree.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner had admitted to have murdered his wife and hung her from the tree.

The extra judicial confession transpires from the statement of the daughter of deceased. The post-mortem report, however, reveals non-continuous ligature mark, which is indicative of suicidal hanging.

In view of the aforesaid dichotomous state of affairs relating to the cause of death and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Rabi Shil**, 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, Buniadpur, Dakshin Dinajpur subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)