

64. 02.09.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4512 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **05/07/2021** arising out of **Khanakul Police Station Case No. 16 of 2021** dated **10/01/2020** under Sections **498(A)/302** of the Indian Penal Code.

And

In the matter of: - **Sunil Rauth**

....petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Arnab Chatterjee,
Ms. Srimoyee Mukherjee

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Ms. Sujata Das,
Ms. Debjani Sahu

...for the State.

The allegation is that the petitioner was a habitual drinker and used to beat up his wife, the victim lady.

The petitioner says that his wife suspected that he had an affair with another lady. This is what prompted his wife to commit suicide by hanging.

The incident occurred after a period of ten years of marriage. The post mortem report records the cause of death as hanging *ante mortem*.

We have seen the other material in the Case Diary. Charge-sheet has been filed. The material in the Case Diary *prima facie* does not incriminate the petitioner. The petitioner has been in custody for 232 days.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner *viz.*, **Sunil Rauth** shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Arambagh, Hooghly, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 4512 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)