

18.11.2021
 Ct No. 28
 D/L 4
 ab/rrc

C.R.M. 5348 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dhantala Police Station Case No. 167 of 2021 dated 23.04.2021 under Sections 306/34 of the Indian Penal Code.

In Re: **Abhijit Biswas & Anr.**

... petitioners

Ms. Sananda Bhattacharya

... for the petitioners

Ms. Faria Hossain
 Ms. Sonali Das

.... for the State

The learned Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Dhantala Police Station Case No. 167 of 2021 dated 23.04.2021 under Sections 306/34 of the Indian Penal Code.

It is submitted by the learned Advocate for the petitioners that the petitioners being the father-in-law and brother-in-law of the deceased have been implicated in connection with the aforementioned case. It is further submitted that the principal

accused being the wife and the mother-in-law of the deceased have already been taken into custody.

Learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the deceased before committing suicide, left suicidal note disclosing the names of the persons responsible for such drastic steps taken by him. It is fairly submitted that the only allegation against the petitioners is that they assaulted the deceased before he committed suicide.

After hearing the respective submissions of the parties and on perusal of the materials from the case including the suicidal note left by the deceased, we find that the principle accused are the wife and the mother-in-law of the deceased against whom the serious allegations are noted. The only allegation attributable to the conduct of the present petitioners pertains to an assault on the deceased prior to the date of such incident. We have further perused the medical report and other medical documents. We do not find any external injury and, therefore, we find that it is a fit case where the further detention of the petitioners is not necessary. Furthermore, charge sheet has already been submitted.

Accordingly, the petitioners, namely, **Abhijit Biswas** and **Ajoy Biswas @ Ajay Biswas** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the conditions

that the petitioners shall attend the trial Court on each and every date of hearing of the case unless prevented by sufficient cause and in the event of their failure on any date without justifiable cause, the trial Court would be at liberty to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. 5348 of 2021** is, **allowed.**

(Harish Tandon, J.)

(Rabindranath Samanta, J.)