

07.12.2021
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allowed

**CRM 5704 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 148 of 2021 dated 05.06.2021 under Section 306 of the Indian Penal Code.

And

In Re : Abhijit Karmakar & Ors. petitioners

Mr. Sumanta Das

.....for the petitioners

Mr. Binay Panda

Ms. Puspita Saha

Mr. Subham Bhakat

..... for the State

Learned Counsel appearing for the petitioners submits that the petitioners are in custody for 172 days. It is further submitted that the ingredients of the offence punishable under Section 306 are not satisfied in the facts of the case.

Learned Counsel appearing for the State opposes the prayer for bail. He submits there was an illicit affair between the deceased and petitioner no. 2. Over such issue, deceased was blackmailed by the petitioners. Consequentially, he committed suicide.

We have considered the materials on record. No suicide note was left behind by the deceased. Whether the circumstances proposed by the prosecution would constitute abetment or not may be considered in the course of trial. However, in the facts and circumstances of the case, period of detention already suffered by

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

Accordingly, we direct that the petitioners 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 condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)