

09.12.2021
cm/ct 28
sl no. 110

C.R.M. 5859 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakasi Para P.S Case No. 142 of 2021 dated 28.03.2021 under Sections 498A/302/304B/34 of the Indian Penal Code.
And

Allowed

In Re : Prabitra Sarkar

..... petitioner

Mr. Sandip Kumar Mondal

..... for the petitioner

Mr. Sandip Chakraborty

..... for the State

Petitioner is in custody for 257 days. It is submitted that the victim housewife committed suicide, as the latter could not conceive.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Whether the suicide was due to torture perpetrated on the victim housewife soon before her death or for other reasons requires to be assessed in the course of trial.

Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 the learned CJM, Krishnagar, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM 5859 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)