

17.11.2021
Ct No. 28
D/L 14
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C.R.M. 6981 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Arambagh Police Station Case No. 247 of 2021 dated 17.06.2021 under Sections 498A/306 of the Indian Penal Code.

In Re: **Bapan Santra,**

... petitioner

Mr. Uday Sankar Chattopadhyay,
Ms. Snigdha Saha,
Mr. Subhayu Das,

... for the petitioner

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose,

.... for the State

The learned Advocate-on-record of the petitioner 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 petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection Arambagh Police Station Case No. 247 of 2021 dated 17.06.2021 under Sections 498A/306 of the Indian Penal Code.

Learned Advocate for the petitioner submits that initially a case was registered under Section 498A/302 of the Indian Penal Code, but subsequently after the investigation, the charge sheet

is submitted under Sections 498A/306 of the said Code, meaning thereby the deceased committed suicide. It is further submitted that the petitioner is languishing in jail for 151 days and no further custody is necessary as the charge sheet has already been submitted by the investigating officer.

Learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the statement of the brother of the petitioner would evince the element of Section 306 of the Indian Penal Code, apart from the statements of the neighbours.

After hearing the respective counsels and on perusal of the materials on record, more particularly, the statements of the brother of the present petitioners and the neighbours recorded under Section 161 of the Code of Criminal Procedure, we are not convinced as to the existence of the element required to constitute an offence under Section 306 of the Code. Furthermore, the charge sheet has already been submitted and no further custodial interrogation of the petitioner is required.

Accordingly, the petitioner, namely, **Bapan Santra**, shall 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, Arambagh, subject to the conditions that the petitioner 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 his 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. 6981 of 2021** is,
allowed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)