

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM 43 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 16.01.2021 in connection with General Registrar Case No.1522 of 2020 arising out of Alipurduar Police Station Case No.375 of 2020 dated 14.08.2020 under Sections 498A/302/313/109/34 of the Indian Penal Code, 1860.

And

In Re : Sri Kallol Chakraborty @ Kallal Chakraborty
... petitioner.

Mr. Arnab Saha
... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy
... for the State.

Mr. Sourav Chatterjee
.... for the de facto complainant

Learned counsel for the petitioner submits that the petitioner has been in custody for over eight months and the charge-sheet has already been filed.

It is submitted that the alleged suicide note left by the victim-wife does not exhibit any direct connection between the death of the victim and any offence being committed by the petitioner.

Learned counsel for the State as well as learned counsel for the *de facto* complainant vociferously oppose such prayer. It is submitted that the post mortem report and subsequent reports in

that connection reveal that there were serious injuries and the possibility of the death by homicide could not be ruled out.

However, there is apparent *prima facie* contradiction between the materials inasmuch as the suicide note, if any, would indicate suicide, which is contradictory to the allegation of murder as levelled against the husband. A benefit of doubt can be extended to the petitioner, particularly since charge-sheet has already been filed, in view of the apparent *prima facie* discrepancy in the materials on record.

Accordingly, CRM 43 of 2021 is allowed, thereby granting bail to the petitioner on furnishing security of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate at Alipurduar. The petitioner shall not leave the State of West Bengal during trial.

The petitioner shall not intimidate any witness and/or make any inducement, promise or threat to any person acquainted with the facts of the case to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)