

03.02.2022
Court No.32
Item No.04
Avijit Mitra

C.R.M.(DB) 45 of 2022 (Through video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : Gopa Banerjee

.... petitioner

Mr. Sumanta Das

...for the petitioner

Mr. Debabrata Chatterjee,

Ms. Mousumi Sarkar

...for the State

The present application for bail has been preferred in connection with Santipur Police Station Case No.992 of 2021 dated 26.11.2021 under Sections 306/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident which occurred about 4 ½ years after her daughter's marriage with the victim. The victim committed suicide and the petitioner has not in any manner instigated the victim. Upon completion of investigation chargesheet has been submitted and as such, further detention of the petitioner, who is in custody for about 62 days, may not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The issue as to whether the act on the part of the petitioner would, *per se*, constitute abetment of suicide is a matter to be decided at the appropriate stage of the trial. Considering the nature of accusations and possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted more so when, upon completion of investigation chargesheet has been submitted. The petitioner is a female family member and *prima facie*, there is also no possibility that she would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that the petitioner, namely, **Gopa Banerjee**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) No.45 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)