

22.06.2022.
50.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1955 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P. S. Case No.58 of 2022 dated 28.03.2022 under Sections 306/34 of the Indian Penal Code

In the matter of : Abhijit Mondal @ Border.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Amanul Islam,
Mr. Aniruddha Bhattacharjee,
Mr. Sourav Mukherjee,
Ms. Namrata Chatterjee.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Dutta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner renews his prayer for bail. He submits allegation of forgery has not been incorporated in the charge sheet. There is delay in lodging the first information report. Ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had ill treated his father-in-law who committed suicide.

We have considered the materials on record. Allegations of forgery have not been included in the charge sheet filed against the petitioner. There are statements of witnesses with regard to ill treatment by the petitioner of his father-in-law.

But the victim did not leave behind any suicide note implicating the petitioner. Whether the conduct of the petitioner would constitute abetment of suicide requires to be assessed in course of trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners i.e. 82 days and as investigation is complete, we are inclined to grant bail to him.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)