

08.08.2022
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 2621 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.08.2022 in connection with Shyampukur Police Station Case No.03 of 2022 dated 05.01.2022 under Sections 306/34 of the Indian Penal Code.

And

In Re: ***Bampi Das @ Nil Das***

... .. Petitioner

Mr. Debasis Kar
Mr. Subhajit Chowdhury
Mr. Husen Mustafi

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

Pursuant to our earlier direction, Investigating Officer is personally present before this court with the suicide note. His presence is noted and dispensed with.

It is submitted on behalf of the petitioner that he is in custody for about 42 days. It is further submitted there was a love affair between the parties which did not fructify into marriage. Out of depression, victim committed suicide.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the suicide note. In the suicide note, victim refers to the love affair between the parties and her frustration as the petitioner had withdrawn from the relationship. Whether the petitioner did not have intention to marry the victim from the inception of the relationship or due to circumstances beyond his control he was compelled to withdraw from the relationship requires to be assessed in course of trial.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Bampi Das @ Nil Das***, 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 Metropolitan Magistrate, Calcutta subject to condition that the said 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 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)