

31.08.2022.
34.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2942 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P. S. Case No.343 of 2020 dated 28.09.2020 under Sections 341/323/326/354/34 of the Indian Penal Code and charge sheet submitted under Sections 341/323/336/354/34 of the Indian Penal Code and adding Section 306 of the Indian Penal Code.

In the matter of : Pratima Sarkar @ Protima Sarkar & Anr.
.... Petitioners.

Mr. Kaushik Chowdhury,
Ms. Busra Khatoon.

...for the Petitioners.

Mr. Prasun Kr. Datta, Id. A.P.P.,
Mr. Subrata Roy.

...for the State.

Petitioner is in custody for 18 days. He submits co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail. He refers to the dying declaration of the victim.

We have considered the materials on record including the dying declaration of the victim. Victim stated petitioner no.2 had accused her of having extra marital relationship with her husband. Whether the aforesaid accusation constitute to abetment to suicide requires to be assessed in the attending facts and circumstances of the case during trial.

Under such circumstances and as co-accuseds are on bail, we are inclined to extend the same privilege to the petitioners also.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)