

03.02.2022

Court No.32
rpan/18

CRM 8594 of 2021

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

And

In Re.: **Sushanta Majumder @ Sushanta Majumdar @ Bhombal**

-

Petitioner

Mr. Khalid Hasan

... for the Petitioner
(through v.c.).

Mr. Arijit Ganguly,

Ms. Sujata Das

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali Police Station Case no.261 of 2021 dated 20.04.2021 under Sections 498(A)/307/34 of the Indian Penal Code, 1860 and adding Section 306 of the Indian Penal Code, 1860.

Mr. Hasan, learned advocate appearing for the petitioner submits that the petitioner has been implicated in an alleged incident which occurred after nine years of his marriage with the victim. The petitioner's prayer for bail was earlier rejected on 22nd November, 2021, since at that juncture his parents were absconding. However, subsequently they have obtained anticipatory bail. The victim committed suicide and there had been no instigation on the part of the petitioner. Upon completion of investigation charge sheet has been submitted and as such, the petitioner may be enlarged on bail on any stringent condition.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical report as well as the statements of other witnesses as recorded under Section 161 of the Code. Answering our query, she, however, submits that no statement of any witness has been recorded under Section 164 of the Code.

Heard the learned advocates and considered the materials in the case diary.

Whether the acts of the petitioner would, *per se*, constitute abetment of suicide is an issue to be decided at the appropriate stage of the proceedings. Considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner, who is in custody for more than 273 days, may not be necessary, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sushanta Majumder @ Sushanta Majumdar @ Bhombal**, 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.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8594 of 2021 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)