

13.09.2022.
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(Allowed)

C.R.M. (DB) 3091 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lake P. S. Case No.188 of 2022 dated 05.07.2022 under Section 306 of the Indian Penal Code.

In the matter of : Esha Dutta @ Mampi. Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.
Mr. Aniket Mitra,
Ms. Jonaki Saha.

...for the State.

Petitioner is in custody for 38 days. She submits there was a love affair between the parties which did not fructify into marriage. Out of depression, victim committed suicide. Ingredients of offence punishable under Section 306 IPC are not disclosed.

Learned Advocate for the State opposes the prayer for bail. He submits exchanges between the parties on a social net-working site show petitioner had made derogatory comments about the victim. As a result, he committed suicide.

We have considered the materials on record including the suicide note. Suicide note does not implicate the petitioner. Whether the exchanges in the social net-working site containing derogatory remarks would justify the charge of abetment to suicide in the backdrop of the exonerative suicide note requires to be assessed during trial.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Alipore, South 24-Paraganas 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)