

28.09.2022.
32.
as
(Allowed)

C.R.M. (DB) 3274 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pursurah P. S. Case No.137 of 2022 dated 15.08.2022 under Sections 305/120B of the Indian Penal Code.

In the matter of : Swadesh Samanta @ Asta & Anr.
.... Petitioners.

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.
...for the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.
...for the State.

Petitioners are in custody for 48 days. It is submitted victim was a minor and developed an affair with the daughter of petitioner no.1. He was chastised. As a consequence, he committed suicide.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of abetment to suicide requires to be assessed in the light of the aforesaid circumstances during trial. No suicide note was left behind by the victim implicating the petitioners.

Under such circumstances, we are inclined to grant bail to the petitioners.

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, Arambagh, Hooghly 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)