

12.10.2022

Vacation Bench
SL No.18
S.Banerjee/s.biswas
(Allowed)

C.R.M. (DB) 3545 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jiaganj** P.S. Case No. **221/2022** dated 10.08.2022 under Sections **341/323/306/34** of the Indian Penal Code.

And

In the matter of: **Santana Mondal and another**

....Petitioners

Mr. Jisan Iqubal Hossain

...for the Petitioners

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas

...for the State

Petitioner no.1 is the wife of the victim and petitioner no.2 is his brother-in-law.

It is submitted on behalf of the petitioners that the co-accuseds have been granted bail by this Court. They stand on the same footing and may be enlarged on bail.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

We have considered the materials on record including the statement of witness recorded under Section 164 of the Code of Criminal Procedure. The statement speaks of illicit relationship between the petitioner no.1 and another lady. The victim, however, did not leave behind any suicide note. Whether the conduct of the petitioners would constitute abetment to suicide may be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a Bond of ₹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, Murshidabad at Lalbagh subject to the condition that the petitioners shall appear before the learned trial court on every day 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 comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioners without any further reference to this Court.

The application for bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)