

31.10.2022
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allowed

CRM(DB) No. 3799 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 921 of 2022 dated 06.09.2022 under Section 306 of the Indian Penal Code.

And

In Re : Sandip Nandi @ Babu petitioner

Mr. Partha Sarathi Mondal
Mr. Tapas Kumar Paul

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta

..... for the State

Learned Counsel appearing for the petitioner submits ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed in the facts of the case. Victim was a married lady who committed suicide at her parental home. Petitioner is in custody for 50 days. He has been implicated out of mere suspicion.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record. Statements of the witnesses show there was an illicit relationship between the petitioner and the deceased lady. However, deceased did not leave behind any suicide note implicating the petitioner in the alleged offence. Whether conduct of the petitioner would

constitute abetment to suicide requires to be assessed during trial.

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

Accordingly we direct that 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 Additional Chief Judicial Magistrate, Krishnanagar, Nadia, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)