

18.11.2022.
16.
as
(Allowed)

C.R.M. (DB) 4026 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No.553 of 2022 dated 13.07.2022 under Sections 376/417 of the Indian Penal Code and added Section 306 of the Indian Penal Code.

In the matter of : Jakir Sk. @ Jakir Hossain & Anr.
.... Petitioners.

Mr. Atish Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal.
...for the Petitioners.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.
...for the State.

Petitioners are in custody for 109 days and 90 days respectively. It is contended petitioner no.1 had a love affair with the victim lady. He was arrested. Subsequently, she committed suicide. She did not leave behind any suicide note. Petitioner no.2 is the mother of the petitioner No.1. They pray for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner no.1 had blackmailed and cohabited with the victim. Thereafter, FIR was registered and he was arrested. Petitioner no.2 and her husband abused the victim lady and incited her to commit suicide. As a result, she committed suicide.

We have considered the materials on record. Victim was a major and a married lady. No contemporaneous complaint with

regard to blackmail is placed before us. Victim did not leave behind any suicide note to corroborate the oral statement of her relations.

In view of the aforesaid circumstances and the period of detention suffered by them, 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 Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition 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.)