

24.11.2022.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4094 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haripal P. S. Case No.295 of 2022 dated 17.10.2022 under Sections 306/34 of the Indian Penal Code.

In the matter of : Debasish Mukherjee.

.... Petitioner.

Mr. Bitasok Banerjee.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Aniket Mitra.

...for the State.

Petitioner is in custody for 35 days. He submits victim-husband tortured his wife. A criminal case was registered against him. Subsequently, she committed suicide. Ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim had left behind the suicide note.

We have considered the materials on record. Contents of the suicide note requires to be assessed in the light of the attending circumstances namely prior criminal case registered against the victim alleging torture on his wife. Whether conduct of the petitioner in this backdrop would constitute abetment to suicide requires to be assessed during trial. Co-accused has been granted pre-arrest bail.

Under such circumstances, 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 Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to condition that he 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.)