

02.12.2022.  
22.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 4250 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara P. S. Case No.127 of 2020 dated 26.05.2020 under Sections 448/302/379/506/120B/34 of the Indian Penal Code and charge sheet submitted under Sections 325/306/34 of the Indian Penal Code.

In the matter of : Nasir Sk. @ Nasiruddin Sk @  
Nasir Ali Sk.

.... Petitioner.

Md. Sabir Ahamed,  
Md. Abdur Rakib,  
Mr. Biswajit Sarkar.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,  
Mr. Dipankar Paramanick.

...for the State.

Petitioner is one of the cousins of the deceased. He has been falsely implicated in the instant case by the wife of the deceased. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though first information report was registered under Section 302 of the Indian Penal Code, charge sheet has been filed under Section 306 of the Indian Penal Code. Victim did not leave behind any suicide note. Whether petitioner abetted the suicide of the victim requires to be assessed during trial. Co-accuseds have been granted pre-arrest bail.

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

Accordingly, the petitioner viz., Nasir Sk @ Nasiruddin Sk @ Nasir Ali Sk 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, Nadia at Tehatta subject to condition 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.)**