

06.12.2022
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allowed

CRM(DB) No. 4300 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pursurah Police Station Case No. 165 of 2022 dated 28.09.2022 under Sections 306/120B of the Indian Penal Code and charge-sheet submitted under Sections 306/120B of the Indian Penal Code.

And

In Re : Subhasish Jana @ Subhasis Jana petitioner

Mr. Ayan Basu
Mr. Sourab Bera
Mr. Sumit Routh

.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 69 days. It is also submitted that the ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had dissuaded co-accused, Rikta Bhowmick for maintaining relationship with the victim. Petitioner and the victim were seen together immediately prior to the incident.

We have considered the materials on record. Victim was a married man. He had an affair with Rikta Bhowmick. Petitioner told her not to maintain relationship with the petitioner. Whether his conduct would constitute abetment to suicide of the victim requires to be assessed during trial. Under such circumstances

and in view period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner viz. Subhasish Jana @ Subhasis Jana 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, Arambagh, Hooghly, subject to condition that 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)