

07.12.2022

Sl. No.26
[ALLOWED]

C. R. M. (DB) 4310 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.12.2022 in connection with Raiganj Women Police Station Case No.45 dated 05.03.2020 under Sections 323/325/306 of the Indian Penal Code. (G.R. Case No.372 of 2020)

And

In Re: **Debasish Dey**

... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate

Mr. Karan Dudhwewala

... .. for the petitioner

Ms. Faria Hossain

Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 143 days. It is further submitted that the dispute arose as the petitioner had objected to the immoral relationship between the deceased and a married man.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. We are conscious that evidence with regard to physical assault on the petitioner has been collected. Whether such conduct of the petitioner in the backdrop of the aforesaid facts would amount to abetment to suicide needs to be assessed during trial.

Under such circumstances and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Debasish Dey**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom

must be local, to the satisfaction of the learned Additional District & Sessions Judge, 2nd Fast Track Court, Raiganj, Uttar Dinajpur subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)