

12.12.2022
SI. No.50
akd
[ALLOWED]

C. R. M. (DB) 4364 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2022 in connection with Chandernagore Police Station Case No. 207 of 2022 dated 26.09.2022 under Sections 376/417/306 of the Indian Penal Code.

And

In Re: ***Sourav Shil @ Seal***

... .. Petitioner

Mr. Arindam Jana
Mr. Soumajit Chatterjee

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 77 days. It is further submitted there was a love affair between the petitioner and victim. Subsequently, the victim committed suicide. Allegation of abetment to suicide is not disclosed in the facts of the case.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and the victim had a love affair since 2014. Petitioner developed a relationship with another girl in the last two years. As a result, victim committed suicide.

We have considered the materials on record including the suicide note. There was a love affair between the petitioner and the victim. Subsequently, petitioner developed interest in another girl. Under such circumstances, victim committed suicide. Statements collected during investigation as well as suicide note do not show petitioner had incited the victim to commit suicide. Whether conduct of the petitioner in developing interest in another woman by itself constitutes abetment may be assessed during trial. Under such circumstances, period of

detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sourav Shil @ Seal**, 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 Chief Judicial Magistrate, Chandernagore, Hooghly 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)