

25.01.2023
Sl. No.41
akd
[ALLOWED]

C. R. M. (DB) 306 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.01.2023 in connection with Nager Bazar Police Station Case No.246 of 2022 dated 06.08.2022 under Sections 498A/304B/34 of the Indian Penal Code. (G.R. Case No.7516 of 2022)

And

In Re: ***Kaustav Sarkar***

... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate
Mr. Aniruddha Bhattacharyya
Mr. R. Ghosh
Mr. O. Chatterjee
Mr. Uttam Mukherjee

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Ms. Faria Hossain
Ms. Baisali Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 170 days. It is further submitted victim had suffered from trauma owing to an act of rape by one of her relations. She came in touch with the petitioner who is a practicing doctor. They started living together. Due to depression, she committed suicide. Petitioner is being falsely implicated in the instant case. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail and refers to statements of witnesses who states petitioner ill-treated the victim.

We have considered the materials on record. Victim appears to have an unfortunate past. She alleged she has been raped by one of her relations. Due to such incident, she suffered from post traumatic stress disorder. Petitioner and the victim had been living together for sometime. Suddenly, she committed suicide. While the petitioner contends the act of self-extermination was due to mental stress,

statements are placed before us that he had misbehaved with the victim. It may be relevant to note there is no allegation of torture over demands of dowry soon before the death. Keeping in mind the aforesaid facts, 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 ***Kaustav Sarkar***, 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, Barrackpore, North 24-Parganas 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.)