

13.03.2023.
118.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 846 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.948 of 2021 dated 12.11.2021 under Sections 306/34 of the Indian Penal Code.

In the matter of : Bijali Ghosh & Anr.

.... Petitioners.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. Biswajit Manna.

...for the Petitioners.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for 106 days. Investigation is complete. There was a matrimonial dispute. Out of depression, victim husband committed suicide. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits suicide note implicates petitioner no.1 (sister-in-law of the victim) and one Kajori Ghosh, wife of the victim.

We have considered the materials on record. We have also perused the suicide note. It speaks of matrimonial discord and ill-treatment of the victim. Whether conduct of the petitioner would constitute abetment to suicide requires to be assessed in the backdrop of other relevant circumstances during trial. Investigation is complete. There is no possibility of the petitioners absconding or intimidating witnesses. Hence, we are inclined to grant bail to them.

Accordingly, the petitioners viz., Bijali Ghosh and Deben Ghosh shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)