

13.03.2023.
127.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 857 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P. S. Case No.27 of 2021 dated 17.01.2021 under Sections 376/511/506/509/34 and adding Section 306 of the Indian Penal Code.

In the matter of : Khokan Biswas.

.... Petitioner.

Mr. Kushal Paul,
Mr. S. Chowdhury (Bandhu).

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. SGA,
Mr. Arindam Sen.

...for the State.

Petitioner is in custody for 115 days. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the dying declaration of the victim. Petitioner had misbehaved and abused her. Subsequently, she committed suicide. Whether the conduct of the petitioner would constitute abetment to suicide may be assessed during trial.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Khokan Biswas 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 Chief Judicial Magistrate, Uttar Dinajpur subject to condition that he 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 petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)