

28.03.2023
tkm/ct 28
sl no. 58

C.R.M. (DB) 1161 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nischinda PS case no. 10 of 2023 dated 24.1.2023 under sections 498A/306 of the IPC
And

Allowed

In Re : Amit Kumar Paul petitioner

Mr. Ashok Das
Mr. Kaustav Das

..... for the petitioner

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

..... for the State

Mr. Navanil de
Mr. R Chakraborty
Mr. S Ghosh
Mr. S Dey
Ms. M Mukherjee
Ms. A Chakraborty

..... for the de facto complainant

Petitioner is in custody for 62 days. It is contended the housewife was suffering from depression and committed suicide 10 years after marriage. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits victim had given birth to a female child. Hence, she was tortured. Subsequently petitioner developed illicit relationship and continued the torture. As a result, she committed suicide.

We have considered the materials on record. Victim housewife committed suicide 10 years after marriage. Allegation of physical assault as appearing from the statement of the minor daughter is not corroborated by medical evidence. Victim did not leave behind any suicide note. Statutory presumption under

section 113A of the Evidence Act is not attracted. Investigation is complete.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 1161 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)