

05.04.2023
Sl. No.49
akd
[ALLOWED]

C. R. M. (DB) 1361 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with Taherpur Police Station Case No.587 of 2022 dated 20.12.2022 under Sections 306/34 of the Indian Penal Code read with Section 67 of the Information & Technology Act.

And

In Re: **Avijit Sarkar**

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 106 days. It is further submitted petitioner did not abet the suicide. He had not posted pictures of the deceased on the social media site. That was done by his wife. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail and relies on the suicide note.

We have considered the materials on record. From the materials it appears petitioner had an illicit relationship with the deceased. Being enraged his wife had posted pictures of the victim on the social media site. She is on bail. Suicide note requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete. Keeping mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Avijit 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, Ranaghat, Nadia 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.)