

11.05.2023
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allowed

CRM(DB) No. 1865 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 288 of 2023 dated 21.03.2023 under Sections 306/506/34 of the Indian Penal Code and charge-sheet submitted under Sections 306/506/34 of the Indian Penal Code.

And

In Re : Ashim Biswas @ Baltu Biswas petitioner

Ms. Minot Gomes

....for the petitioner

Mr. Debabrata Chatterjee, learned APP

Mr. Bibaswan Bhattacharya

.... for the State

Learned Counsel for the petitioner submits he is in custody for 48 days. It is also submitted he is the uncle of the minor girl. It is alleged there was a love affair between the minor girl and the victim. He had chastised the victim boy. Subsequently victim committed suicide. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. A teen-age romance had blossomed between the niece of the petitioner and the victim boy. Petitioner had intervened and chastised the victim boy. Out of depression victim committed suicide. Whether conduct of the petitioner who had objected to intimacy between the minors would constitute abetment to suicide may be assessed during trial. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)