

15.06.2023

Sl. 39

Court No. 29

sdas

(Allowed)

C.R.M. (DB) 2265 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No. 26 of 2023 dated 08.01.2023 under Sections 306/34 of the Indian Penal Code.

And

In the matter of: **Rahul Debnath @ Nanu**

....petitioner.

Mr. Dhananjoy Banerjee

Ms. Oindrila Ghosh

Ms. Sangita Singh

...for the petitioner.

Mr. Debabrata Chatterjee, learned APP

Mr. Santanu Chatterjee

...for the State

Mr. Arnab Chatterjee

Ms. Poulami Bose

.... for the de facto complainant

1. Vakalatnama filed by the learned Counsel for the de facto complainant be taken on record.
2. Heard the learned Counsel for the parties.
3. The petitioner is stated to be in love with the girl who is stated to have committed suicide after leaving a suicidal note. The suicide note in the Case Diary is reflective of emotional outburst by the deceased for the love of the petitioner and the fact that she was, in fact, in love with him. Petitioner is alleged to have used abusive language against her and he is alleged to have stated that if she lives with him, his life will be spoiled.
4. From the materials on record we do not find prima facie an element of abetment as prescribed under Section 306 of the Indian Penal Code and Section 107 of the Indian Penal Code

thereof. However, this is a matter of trial court to find out an offence at the appropriate time. The aforesaid view expressed by us is tentative on the basis of the police papers. Trial court is requested not to be influenced by such view.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, completion of investigation in the meantime, it is directed that the petitioner shall be released on bail by the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with G.R. Case No. 99 of 2023 arising out of Santipur Police Station Case No. 26 of 2023 dated 08.01.2023.
6. Accordingly, the prayer for bail is allowed.
7. The application being **CRM (DB) 2265 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

