

06.07.2023.
42.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2678 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belur G. R. P. S. Case No.11 of 2023 dated 28.04.2023 under Section 306 of the Indian Penal Code.

In the matter of : Dipankar Chakraborty.

.... Petitioner.

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar,
Mr. Prasad Bhattacharyya,
Mr. B. Das.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Liberty is granted to the learned Advocate-on-record of the petitioner to correct the cause title.

Petitioner submits that the victim suffered from depression. Due to depression, he committed suicide. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim committed suicide due to torture by the petitioner. He left behind a suicide note implicating the petitioner.

We have considered the materials on record including the suicide note. Though the suicide note points a finger at the petitioner, it is also noted therein that he was suffering from loneliness. Having judged the suicide note in the backdrop of the state of mind of the victim, whether the conduct of the

petitioner would constitute abetment to suicide requires to be assessed during trial.

Keeping in mind the aforesaid facts and circumstances of the case and period of detention suffered by the petitioner i.e. 52 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Dipankar Chakraborty 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, Howrah 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.)