

24.07.2023
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allowed

CRM(DB) No. 2919 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sarenga Police Station Case No. 34 of 2023 dated 08.05.2023 under Sections 306/34 of the Indian Penal Code.

And

In Re : Mamoni Gorai & Anr. petitioners

Mr. Soumik Ganguli

Mr. Supriyo Shasmal

....for the petitioners

Mr. P. K. Datta, learned APP

Mr. Santanu Deb Roy

.... for the State

Learned Counsel for the petitioners submits they are in custody for 77 days. It is also submitted there was a love affair between the victim and petitioner no. 1. Petitioner no. 2 is the husband of petitioner no. 1. Having come to know of such illicit affair he abused the victim. Subsequently victim committed suicide. They pray for bail on parity.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Victim had illicit affair with the petitioner no. 1. When petitioner no. 2, husband of the petitioner no. 1, came to know of such liaison he abused the victim. Whether conduct of the petitioners would constitute abetment to suicide must be appreciated in the backdrop of attending circumstances during trial. Petitioners have permanent home and hearth and there is no possibility of abscondence. Accordingly, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura, subject to conditions that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)