

28.07.2023
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allowed

CRM(DB) No. 2976 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 365 of 2023 dated 15.05.2023 under Sections 306/34 of the Indian Penal Code.

And

In Re : Jit @ Jeet Sarkar & Anr. petitioners

Ms. Sananda Bhattacharyya

....for the petitioners

Mr. Debabrata Chatterjee, learned APP

Mr. Santanu Chatterjee

Ms. Mausumi Sarkar

.... for the State

Learned Counsel for the petitioners submits victim girl committed suicide out of depression. They did not abet the act. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner no. 1 had an affair with the victim girl. Petitioners abused the girl and as a consequence she committed suicide.

We have considered the materials on record. From the statements it appears that the petitioners had abused the girl on the day of occurrence. Petitioner no. 1 had an affair with the victim. However, victim had not left behind any suicide note. Whether conduct of the petitioners in the aforesaid factual backdrop would amount to abetment to suicide requires to be assessed during trial. Petitioners have permanent home and hearth and there is no chance of their abscondence. Petitioners

are in custody for 73 days. Under such circumstances, 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, Ranaghat, Nadia, 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.)