

17.08.2023
Sl. No.39
akd
[ALLOWED]

C. R. M. (DB) 3226 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.07.2023 in connection with Nakshipara Police Station Case No.1026 of 2012 dated 16.09.2012 under Sections 306/34 of the Indian Penal Code.

And

In Re: ***Santi Mondal @ Shanti & Anr.***

... .. Petitioners

Mr. Sumanta Das

... .. for the petitioners

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor

Mr. Parthapratim Das

Ms. Eshita Dutta

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 67 days. It is further submitted there was a romantic relationship between their daughter and the deceased. The relationship did not fructify into marriage. As a result, victim committed suicide. Petitioners did not abet the commission of suicide. They were available at their residence but were not arrested. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioners had absconded for more than a decade. They objected to the marriage proposal. As a result, victim committed suicide.
3. We have considered the materials on record. Daughter of the petitioners and the deceased were involved in a romantic relationship. Whether objection of marriage between two individuals would amount to abetment to suicide requires to be assessed during trial. It is relevant to note victim had not left behind any suicide note.

Though the petitioners had not been arrested for more than a decade, there is nothing on record to show that they were evading arrest or not residing at their residence. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

4. Therefore, the petitioners, namely **(1) Santi Mondal @ Shanti & (2) Kutu Mondal @ Subrata Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that the said petitioners 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.
5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)