

25.08.2023.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3331 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P.S. Case No.565 of 2023 dated 15.06.2023 under Sections 302/34 of the Indian Penal Code.

In the matter of : Saikat Das.

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

1. Petitioner is in custody for 70 days. It is submitted there is no direct evidence connecting him with the incident. Victim had committed suicide. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner aided and abetted wife of the victim to torture him. As a result, he committed suicide.
3. We have considered the materials on record. Though FIR has been registered under Section 302 of the Indian Penal Code, the case involves suicide of the victim. His suicide note does not implicate the petitioner. Statements of witnesses merely show petitioner had aided and abetted the principal accused i.e. the wife of the victim.
4. Under such circumstances and in view of the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., Saikat Das 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, Krishnanagar, Nadia 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)