

18.09.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 3611 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Santipur Police Station Case No.699 of 2023 dated 04.07.2023 under Section 306 of the Indian Penal Code. (G.R. Case No.2609 of 2023)

And

In Re: ***Sarmistha Roy @ Misti***

... .. Petitioner

Mr. Khalid Hasan

... .. for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

... .. for the State

1. Petitioner is the wife of the victim.
2. It is submitted on behalf of the petitioner that she is in custody for about 55 days. It is further submitted petitioner has been falsely implicated. Victim committed suicide. Accordingly, she prays for bail.
3. Learned Advocate for the State opposes the prayer for bail and refers to the suicide note.
4. We have considered the materials on record. Suicide note shows petitioner had an illicit relationship. This created matrimonial discord and depression. There is nothing on record to show petitioner had instigated the victim husband to commit suicide. Whether illicit relationship of a spouse *per se* would amount to instigation for commission of suicide may be assessed during trial. There is no chance of her abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Sarmistha Roy @ Misti***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees

Ten thousand only), 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 condition that the said petitioner 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)