

03.01.2023.
23.
as
(Allowed)

C.R.M. (DB) 4648 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta P. S. Case No.639 of 2022 dated 31.07.2022 under Sections 302/120(B)/34 of the Indian Penal Code and charge sheet submitted under Sections 306/120B/34 of the Indian Penal Code.

In the matter of : Sudip Mondal & Anr.

.... Petitioners.

Mr. Arindam Jana,
Mr. Asraf Mandal.

...for the Petitioners.

Mr. Nguive Ahamed, Id. A.P.P.,
Mrs. Trina Mitra.

...for the State.

Petitioner No.1 is in custody for 126 days and petitioner no.2 is in custody for 100 days respectively. It is submitted the ingredients of the offence punishable under Section 306 of the Indian Penal Code are not disclosed.

Learned Advocate for the State opposes the prayer for bail. He submits petitioners had assaulted the victim prior to his death.

We have considered the materials on record. Victim suffered death due to suicidal hanging. No other marks of injury are noted on the body of the deceased. Investigation is complete.

In view of the aforesaid facts and the period of detention suffered by them, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Sudip Mondal and Shyamal Mondal 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, Tehatta, Nadia subject to condition that they 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.

In the event the petitioners fail to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)