

21.12.2023.
72.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4701 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip P.S. Case No.474 of 2023 dated 25.08.2023 under Sections 302/201 of the Indian Penal Code.

In the matter of : **Sanjay Sarkar.**

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Poulami Bose.

...for the Petitioners.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Shiladitya Banerjee.

...for the State.

1. Petitioner contends that the victim lady committed suicide. Post mortem report indicates a case of ante mortem hanging. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. Petitioner-husband and the victim were inside the hotel. Subsequently, body of the victim was recovered from the hotel room. Post mortem reveals indicates victim had died due to ante mortem hanging which is mostly suicidal. This improbabilises the allegation of homicidal death. Petitioner is in custody for about 115 days and there is no chance of abscondence.
4. Hence, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Sanjay Sarkar** 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 Judicial Magistrate, Nabadwip, 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.)