

21.12.2023
Sl. No.81
akd
[ALLOWED]

C. R. M. (DB) 4709 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Khanakul Police Station Case No.612 of 2023 dated 02.09.2023 under Sections 498A/304B/406 of the Indian Penal Code. (G.R. Case No.1330 of 2023)

And

In Re: ***Raju Adhikary @ Raju Adhikari***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikder

... .. for the petitioner

Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 111 days. It is further submitted petitioner was living with the victim lady and her minor daughter. Out of depression, the victim killed her daughter and hanged herself. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had tortured the victim. As a result, she killed her daughter and committed suicide.
3. We have considered the materials on record. Victim was married to another person earlier. Thereafter she developed a relationship with the petitioner. They were living together as husband and wife. Owing to family quarrel, she killed her daughter and committed suicide. Petitioner is not responsible for the death of the minor child. Whether his conduct would amount to abetment to suicide requires to be assessed during trial. There is no chance of abscondence of the petitioner. Keeping in mind the aforesaid facts and the period of

detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Raju Adhikary @ Raju Adhikari***, 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, Arambagh, Hooghly 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.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)