

02.03.2023

Sl. No.25
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 133 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2023 in connection with Kalchini Police Station Case No.120 of 2020 dated 01.09.2020 under Sections 305/34 of the Indian Penal Code.

And

In Re: ***Pinki Bhattacharya @ Pinki Chakraborty (Bhattacharjee)***
... .. Petitioner

Ms. Amrapali Chaki
... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Kallol Nag
... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 50 days. It is further submitted petitioner is the neighbour of the victim boy. The victim boy was chastised as he had entered into a relationship with one Rupsa Dutta. Subsequently, he committed suicide. Petitioner has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. It is alleged petitioner and others had assaulted the victim. Subsequently, he went missing. Then his dead body was recovered. Post mortem report does not show marks of injury apart from ligature mark. No suicide note has been left behind by the victim. Under such circumstances, whether the conduct of the petitioner to chastise the victim would constitute abetment to suicide requires to be assessed during trial. In view of the aforesaid fact and the period of detention suffered by the petitioner, we

are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Pinki Bhattacharya @ Pinki Chakraborty (Bhattacharjee)***, 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 Sessions Judge, 1st Court, Jalpaiguri 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.

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.

The application for bail, thus, stands **allowed**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)