

17.01.2024
SL No.34
Ct. No. 28
SB/s.biswas
(Rejected)

C.R.A. (DB) 5 of 2024

In Re: - A petition of appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with Section 439 of the Cr.P.C.

And

In the matter of: Kousik Sarbadhikari

....Petitioner

Mr. Sourav Chatterjee
Mr. Subrata Sarkar
Mr. Soumya Nag

...for the Petitioner

Mr. P. K. Dutta
Mr. Asraf Mondal

...for the State

Mr. Souvik Mitter

... for the defacto complainant

1. The petitioner is an army officer. He contends the victim lady suffered from mental depression and was under treatment. In fact she wrote a book relating to techniques of suicide. Due to depression, she committed suicide. Petitioner is in custody for more than six months. He is ready and willing to face trial. He may be released on bail.
2. Learned lawyer for the State opposes the prayer for bail. He contends the victim lady had multiple injuries apart from ligature mark on her body. This demonstrates continuous torture on her.
3. Learned lawyer for the defacto complainant submits the petitioner is an influential person and had derailed the investigation. A writ petition being WPA 17092 of 2023 was filed by the defacto complainant for monitoring the

investigation. The matter is pending before the learned Single Judge of this court.

4. We have considered the materials on record. Petitioner and the victim are medical professionals. They developed a romantic relationship and started living together. Unfortunately, the victim was found hanging in the official quarter of the petitioner. Though it is strenuously contended the incident was a product of mental depression, it may be relevant to note that the body bears not less than 14 injuries. Some of the injuries are recent in origin, while others are opined to be six days old. These findings support a case of continuous physical torture on the victim lady.
5. The complainant has contended that this is a case of homicide and is pursuing her grievances before the learned Single Judge in WPA 17092 of 2023. Such issue may be addressed at the stage of consideration of charge by framing alternate charges, if necessary.
6. Be that as it may, in view of the evidence on record particularly multiple injuries on the body of the victim which probabilise sustained physical torture prior to her death, we are not inclined to grant bail to the petitioner at this stage.
7. The prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)