

02.02.2024
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 315 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2024 in connection with Khanakul Police Station Case No.672 of 2023 dated 25.10.2023 under Sections 498A/304B/406 of the Indian Penal Code. (G.R. Case No.1618 of 2023)

And

In Re: ***Saiful Islam Mallick***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikdar
Mr. Rony Mondal

... .. for the petitioner

Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 102 days. It is further submitted petitioner had not abetted the suicide. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State draws our notice to the dying statement of the victim recorded at page 72 of the case diary.
3. We have considered the materials on record including the dying statement. Statement shows there was a domestic quarrel between the couple. As a consequence, she consumed sleeping pills and died. In the aforesaid circumstances, it is to be assessed whether the conduct of the petitioner would amount to abetment to suicide or not. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Saiful Islam Mallick***, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)