

02.02.2024
Sl. No.37
akd
[ALLOWED]

C. R. M. (DB) 317 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 Dhubulia Police Station Case No.546 of 2023 dated 28.10.2023 under Sections 498A/306/34 of the Indian Penal Code. (G.R. Case No.4367 of 2023)

And

In Re: ***Samir Chowdhury***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Ms. Sayanti Santra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 90 days. It is further submitted petitioner is the husband of the victim lady. He had not abetted her to suicide. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits the housewife had been tortured. Unable to bear the torture, she committed suicide.
3. We have considered the materials on record. Statements of witnesses show on the fateful day there was a quarrel between the couple over preparation of food. Quarrel *per se* may not amount to abetment to suicide. None of the statements show petitioner had instigated the suicide of the victim. Investigation is complete. 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 **Samir Chowdhury**, 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.)