

05.03.2024
ct 28
as
97.

C.R.M. (DB) 699 of 2024

In Re : An application under section 439(2) of the Code of Criminal Procedure

In Re : Sujan Bag

..... petitioner

Mr. Dipayan Kundu..

..... for the petitioner

Ms. Purnima Ghosh.

..... for the State.

1. Petitioner has assailed the order granting bail to opposite party No.2. He contends learned Judge erred in law in holding ingredients of offence under Section 306 of the Indian Penal Code are not satisfied as there was a time gap between abetment and the suicide.
2. Whether the accused had abetted the victim depends on myriad factors one of which is the time gap between the alleged abetment and her suicide. But a time gap need not always be the determining factor.
3. Under such circumstances, it cannot be said the impugned order is perverse.
4. Hence, we are not inclined to substitute the discretion exercised by the trial court to cancel the bail of the opposite party/accused.
5. We clarify that the observations made in the impugned order are tentative and shall not have any impact on the

subsequent stages of the proceeding which needless to mention shall be decided independently and in accordance with law.

6. With this observation, the application for cancellation of bail is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)