

16.04.2024
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allowed

CRM (DB) No. 1151 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 56 of 2024 dated 26.01.2024 under Sections 306/34 of the Indian Penal Code.

In Re : Sri Somnath Paul

Mr. Sabir Ahmed
Ms. Suman Biswas
Mr. Tasnim Ahmed
Mr. Dhiman Banerjee
....for the petitioner

Mr. Anand Keshari
Mr. Arup Sarkar
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 87 days. It is also submitted ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed in the case. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. We have also gone through the suicide note. Victim was an adult. He entered into a relationship with the petitioner. In the course of the relationship petitioner had taken money and a gold chain from the victim. Subsequently he withdrew from the relationship. As a result victim committed suicide. Whether withdrawal from the relationship between two consenting adults would constitute abetment to suicide may be assessed during trial. Investigation is

complete. There is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judicial Magistrate (1st Class) at Nabadwip at Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)