

43.
21-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1855 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No.178 of 2024 dated 09-04-2024 under Sections 498(A)/306/34 of the Indian Penal Code.

- A n d -

In the matter of : Amit Biswas

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal,
Ms. Labani Sikder

... For the Petitioner.

Mr. Prasun Kumar Dutta,
Mr. Akash Ganguly

... For the State.

The charge is of aiding and abetting suicide as also under Section 498A of the Indian Penal Code. The petitioner is the husband. The victim is the wife. It is alleged that the victim committed suicide by consuming poison.

The petitioner says that he has no role to play in the alleged incident. He took the wife to Arambagh Hospital and, thereafter, to SSKM Hospital in Kolkata. He tried his best to save his wife. He was by the side of his wife for 13 days, i.e., during the period that she survived. He says that he is in custody for 67 days. Charge sheet has been submitted. He prays for bail.

Learned advocate for the State, while opposing the prayer for bail, says that there are statements of neighbours as also the statement of the victim's father recorded under Section 161 of the Code of Criminal Procedure, which are to the effect that the petitioner used to torture his wife. There is sufficient incriminating material against the petitioner.

It is strange that although the victim lady survived for 13 days after allegedly consuming poison, her statement

was not sought to be recorded by the investigating authority. In any event, we find that investigation has been completed and charge sheet has been filed. The statements recorded under Section 161 of the Code of Criminal Procedure are not of such a quality as would dissuade us from granting bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Amit Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Arambagh. The 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

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.

The application for bail being CRM (DB) 1855 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)