

21. 07.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (DB) 2293 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Nandakumar** Police Station Case No. **412/2023**, dated **08.10.2023** under Sections **498A/323/328/307/365/506/34** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act. Charge-sheet submitted under Sections **328/302** of the Indian Penal Code.

And

In the matter of: - **Kalipada Samanta @ Raju Samanta**

...petitioner.

Mr. Swapan Kumar Mallick
Mr. Abhinaba Mukherjee

...for the petitioner.

Mr. Suman De
Mr. Subhajit Chowdhury

...for the State.

1. Learned lawyer for the petitioner submits petitioner is in custody for more than four months. Petitioner and deceased had a love affair and out of depression they consumed poison. Unfortunately, the victim died. Petitioner prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. There was an illicit relationship between the parties. Out of depression they tried to commit suicide. Unfortunately, the victim died.
4. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct the petitioner, namely, **Kalipada Samanta @ Raju Samanta** 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 Additional Chief Judicial Magistrate, Purba Medinipur at Tamluk subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)