

09.01.2024
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Allowed

C.R.M. (DB) No. 40 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belpahari Police Station Case No. 29 of 2023 dated 28.04.2023 under Section 306 of the Indian Penal Code.

And
In Re : Rajib Mandi petitioner

Mr. Usuf Ali Dewan
Mr. Asif Ali Dewan
Mr. Sankha Prasad Ray
.....for the petitioner

Mr. Debabrata Chatterjee
Ms. Sayanti Santra
.....for the State

1. Learned Counsel for the petitioner submits FIR was initially registered under Sections 302 and 376 of the Indian Penal Code but charge-sheet has been filed under Section 306 of the Indian Penal Code. Petitioner is in custody for 250 days. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had romantic relationship with the deceased. They were seen together prior to the incident.

3. We have considered the materials on record. Petitioner and victim had a romantic relationship. Initially FIR was registered on the charge of murder and rape. However, charge-sheet has been filed alleging abetment of suicide. No material showing that petitioner had instigated or abetted suicide of the victim is placed on record. Victim has not left behind any

suicide note. 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 Chief Judicial Magistrate, Jhargram, subject to condition that 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 petitioner fails to appear before the trial court without any 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.)