

13.05.2024
Sl. No.83
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 223 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2024 in connection with Banarhat Police Station Case No.300 of 2023 dated 04.11.2023 under Sections 306/34 of the Indian Penal Code. (G.R. Case No.5708 of 2023)

And

In Re: **Bakul Sarkar**

... .. Petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Rikta Sarkar

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Kallol Nag

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 55 days. It is further submitted petitioner and his wife have been falsely implicated. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner and his wife tortured the victim who is an old lady.
3. We have considered the materials on record. Statements of neighbours show petitioner and his wife used to torture the victim. However, the witnesses did not say that petitioner and his wife had instigated the victim to commit suicide. Whether conduct of the accused would constitute abetment to suicide may be assessed during trial. Investigation is complete. There is no chance of abscondence. Under such circumstances and in view of the period

of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Bakul Sarkar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that the said 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 he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)