

02.05.2025

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jb.

jdt.

Allowed

C.R.M. (M) 274 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dum Dum Police Station Case No. 29 of 2025 dated 05.02.2025 under Section 8 of the Bharatiya Nyaya Sanhita.

And

In Re : Rakesh Pal @ Rakesh Paul

Mr. Sabyasachi Mukherjee

Ms. Ankita Nandi

Ms. Debjani Chakraborty

... For the Petitioner.

Ms. Sonali Das

Mr. Abhinaba Mukherje

... For the State.

The petitioner is in custody for about 56 days.

Learned counsel for the petitioner submits that the co-accused similarly circumstanced with the petitioner have been granted anticipatory bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

It appears that the petitioner had a relationship with the victim who was scheduled to marry her. Subsequently the relationship turned sour. Though there are allegations of physical assault on the victim by the petitioner, post mortem report of the victim does not support the same.

Whether the conduct of the petitioner is the proximate cause for commission of suicide by the victim shall be assessed at the time of trial.

Considering the material on record as well as the extent of complicity of the petitioner in the alleged incident, this Court is of

the view that further detention of the petitioner is not required and the petitioner may be granted bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Rakesh Pal @ Rakesh Paul shall 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 Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)