

30.11.2022  
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allowed

**CRM(DB) No. 4227 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haripal Police Station Case No. 295 of 2022 dated 17.10.2022 under Sections 306/34 of the Indian Penal Code.

And

In Re : Debasmita Banerjee ..... petitioner

Mr. Bitasok Banerjee  
.....for the petitioner

Ms. Faria Hossain  
Mr. Anand Keshari  
..... for the State

Learned Counsel appearing for the petitioner submits she is in custody for 41 days. It is also submitted that victim/husband tortured the petitioner/wife. She lodged criminal case against him. Subsequently, the victim/husband committed suicide. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner/wife had been tortured by the victim/husband. Criminal case came to be registered against him. Subsequently, victim/husband committed suicide. Whether conduct of the petitioner/wife would constitute abetment to suicide has to be assessed in the light of the aforesaid circumstances during trial. Under such circumstances and in view of the period of detention

suffered by the petitioner/wife, we are inclined to grant bail to her.

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 Additional Chief Judicial Magistrate, Chandannagar, Hooghly, subject to condition that 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.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**