

Crl. Misc. (B) Case No. 239/2022

ORDER

01-07-2022

This is a bail application under Section 439 CrPC, supported by an affidavit, submitted through the learned Legal Aid Counsel praying for granting bail to accused Sri Suchan Karmakar in connection with Dibrugarh PS Case No. 1110/2020 corresponding to GR Case No. 2463/2020 under Section 306 IPC.

Heard the learned Legal Aid Counsel for the accused and the learned Public Prosecutor.

Learned Legal Aid Counsel for the accused submits that the accused Sri Suchan Karmakar has been in judicial custody since 17-07-2020 with allegation that he was responsible for the suicidal death of his wife Anjali Karmakar. Learned Legal Aid Counsel has submitted that the accused/husband is in no way responsible for the sudden death of his wife, in as much as, he was the one who tried his level best to pull back both his child as well as his wife when his wife jumped into the Brahmaputra and ended her life. Learned Legal Aid Counsel further submits that only because the body of Anjali Karmakar could not be retrieved till date, the said accused has been made to languish in jail, as investigating agency has not been able to trace out Anjali Karmakar (alive) or her body.

Learned Public Prosecutor submits that it is correct that the investigation is pending only on the ground that neither Anjali Karmakar in person nor her dead body has been retrieved since 15-07-2020.

Perusal of the Case Diary reveals that FIR was lodged by Sri Sunil Karmakar, brother of Anjali Karmakar, on suspicion that his sister expired because of having drowned, pursuant to the frequent quarrel between the accused and his sister. The said FIR was registered under Section 306 IPC as Dibrugarh PS Case No. 110/2020. On perusal of the Case Diary, it is further revealed that it was the accused who was successful in pulling back his seven month child from the river and give the child to Sri Sanuk

Karmakar who was standing on the bank of the river. It is further seen that inspite of several efforts, there is no trace of Anjali Karmakar nor her dead body (if any) could be retrieved by the investigating agency.

Admittedly the accused is in custody since 17-07-2020, i.e., more than 1 year 11 months. Record further reveals that though earlier bail of Rs. 10,000/- with one surety was granted by the learned JMFC, Dibrugarh on 03-10-2020, after completion of statutory period, the accused continues to be in judicial custody, as none has come forth to give surety. Apparently, it is seen that the accused is not in a position to provide surety of any other person for his release.

Today, the accused Sri Suchan Karmakar has been physically called and produced from Central Jail, Dibrugarh and on interaction in the presence of the learned Legal Aid Counsel, the accused submits that he being a permanent resident of Maijan Tea Estate, Pucca Line, Dibrugarh, would attend the Court as and when required and will not evade the process of law if he is released on PR Bond, as there is his old father who has low vision and younger brother Sri Indrajit Karmakar in his family.

Considering the matter in its entirety, the submission advance and as recorded earlier, this Court is of the considered view that further detention of the accused Sri Suchan Karmakar is not required. In view of the above, the accused Sri Suchan Karmakar is allowed to be released on PR Bond of Rs. 10,000/- on the condition that he would appear in the Court as and when required and will not evade the process of law.

Send a copy of this Order to the Superintendent, Central Jail, Dibrugarh for compliance.

Return the Case Diary along with a copy of this Order.


Sessions Judge,
Dibrugarh

No. DJA/3268, 3269/22
Dtd 01.07.2022