

15.12.2020
Sl. No.44
akd
[ALLOWED]

C. R. M. 9975 of 2020

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.11.2020 in connection with Raiganj Police Station Case No. 517 of 2020 dated 13.07.2020 under Sections 306/420/120B/34 of the Indian Penal Code.

And

In Re: ***Mabud Ali @ Mamud Ali @ Mamud***

... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate

Mr. Usof Ali Dewan .. Advocate

Mr. Arup Sarkar .. Advocate

... .. for the petitioner

Ms. Faria Hossain .. Advocate

Ms. Baisali Basu .. Advocate

... .. for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title of the application in course of this day.

It is submitted on behalf of the petitioner that he is in custody for about 130 days. It is further submitted that the petitioner did not abet the suicide of the victim.

Learned advocate appearing for the State opposes the prayer for bail and submits that the victim had named the petitioner in the suicide note.

Statements of witnesses show there was a loan transaction between the parties. Whether failure to repay loan on the part of the petitioner would *per se* amount to abetment to suicide may be assessed at the appropriate stage of the proceeding in accordance with law. In the aforesaid factual matrix and in view of the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Mabud Ali @ Mamud Ali @ Mamud**, be released on bail upon furnishing a 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, Uttar Dinajpur at Raiganj 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.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)