

18.03.2021

Item No.91

Ct.No.28

Subha

Allowed

C.R.M. 846 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Nilay Singha** ... Petitioner.

Mrs. Juin Dutta Chakraborty

... For the Petitioner.

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Rajganj P.S. Case No. 517 of 2020 dated 13-07-2020 under Sections 302/34 of the Indian Penal Code.

This application for bail has been taken out by the petitioner on the ground of parity. It is submitted that the co-accused has already been enlarged on bail by a co-ordinate Bench of this court on *15th December, 2020* in *CRM 9975 of 2020*.

We have perused the observations recorded in the said order dated 15th December, 2020 passed in CRM 9975 of 2020 wherefrom it appears that there was a loan transaction between the parties and failure to repay loan amount, the suicide was committed and the petitioner has been implicated along with other co-accused person, namely *Mabud Ali @ Mamud Ali @ Mamud* on the charges of an abetment to suicide. Since the co-accused was enlarged on bail by a co-ordinate Bench of this court, we do not think any justification in keeping the present petitioner in custody and as such, the prayer for bail of the petitioner is allowed.

Therefore, the accused/petitioner, namely, **Nilay Singha**, 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 being CRM 846 of 2021 is,
accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)