

01.05.2024.  
42.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 1353 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No.796 of 2023 dated 10.10.2023 under Sections 420/306 of the Indian Penal Code.

In the matter of : **Madan Mohan Mondal.**

.... Petitioner.

Mr. Arindam Jana,  
Mr. Asraf Mandal.

...for the Petitioner.

Mr. Sudip Kumar,  
Ms. Afrin Begam.

...for the State.

1. Petitioner is in custody for 92 days. Investigation is complete. He submits allegation of abetment to suicide is false.

Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had incited the victim to commit suicide. He had taken money from him on false promise of giving employment. When victim demanded money, he refused and told him to 'go and die' .

3. We have considered the materials on record. Victim did not leave behind any suicide note. Whether alleged exhortation 'go and die' would constitute abetment or not has to be assessed in light of the attending circumstances during trial. There is no chance of abscondence. Investigation is complete.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Madan Mohan Mondal** 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, Tehatta, Nadia subject to condition that he 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.

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

7. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**