

19.12.2022
SI. No.42
akd
[ALLOWED]

C. R. M. (DB) 4460 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2022 in connection with Amdanga Police Station Case No.648 of 2021 dated 27.12.2021 under Sections 302/201/34 of the Indian Penal Code. (G.R. Case No.3376 of 2021)

And

In Re: ***Jamaluddin @ Babu***

... .. Petitioner

Mr. Amitabha Karmakar

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about a year. It is further submitted there is no direct evidence connecting him with the murder.

Learned Advocate appearing for the State opposes the prayer for bail and submits petitioner and co-accused (*mother of the victim boy*) left the residence with the child. On the next day, the body of the child was found floating in the pond.

We have considered the materials on record. Petitioner was living with the mother of the victim boy. Cause of death is drowning which may be accidental. No one saw the petitioner and co-accused throw the boy into the pond. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Jamaluddin @ Babu***, 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 Additional Chief Judicial Magistrate, Barasat, North 24-Parganas 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)