

21.04.2023.
31
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1600 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P. S. Case No.648 of 2021 dated 27.12.2021 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Sabina Bibi.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

Petitioner is the mother of the victim boy. It is submitted victim suffered accidental drowning.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Victim suffered death due to drowning. There is no direct evidence that petitioner had thrown the child into the pond.

Keeping in mind the aforesaid fact and the period of detention suffered by her i.e. more than one year, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sabina Bibi 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, Barasat, North 24-Paraganas subject to condition that she 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)