

**29.07.2024**

Court No.29

Item No. 67

**Allowed**

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## **CRM (A) 2542 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Madhabpur Police Station Case No. 05 of 2024 dated 26.01.2024 corresponding to G.R Case No. 545 of 2024 under Sections 302/34 of the Indian Penal Code.

And

In Re: **Tazuddin Mallick**

Petitioner

Mr. Arindam Jana

Md. Sabir Biswas

Mr. Partha Pratim Sinha

For the Petitioner

Ms. Sreyashee Biswas

Mr. Subham Kanti Bhakat

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case.
2. Learned counsel for the State has produced the case diary and post-mortem report.
3. Considering the materials available in the case diary and the post-mortem report which, prima facie, shows that due to effect of drowning and the nature of allegation against the petitioner appears to be omnibus, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Tazuddin Mallick** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating

Officer once in a week or as and when called for till the submission of the final report and on further condition that the petitioner shall not leave the jurisdiction of concerned Police Station without the permission of the I.O, except for attending the Court and the petitioner shall appear before the learned Additional Chief Judicial Magistrate at Baruipur, South 24 Parganas within two weeks from date in connection with G.R Case No. 545 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Soumen Sen, J)**

**(Uday Kumar , J)**