

20.07.2023

SL. 13

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2427 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Harishchandra** P.S. Case No. **347 of 2023** dated **20.04.2023** under Sections **302/120B** of the IPC corresponding to G.R. Case No. **1047 of 2023** pending before the learned ACJM, Chanchal, Malda.

And

In the matter of: **Zakir & Anr.**

....petitioners.

Mr. Saikat Mondal
Mr. Debdattya Karmakar

...for the petitioners.

Mr. Sudip Kumar Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioners are father and mother respectively of the principal accused who is alleged to have committed the murder. From the statement of the witnesses recorded under Section 161 Cr.P.C. it is found that immediately after the occurrence, the present petitioners took the principal accused to their home and the weapon of offence was recovered from the house of the present petitioners. Admittedly no role has been ascribed to the present petitioners so far as the fatal assault is concerned. But learned Counsel for the State was vehement on his submission that there must have been a conspiracy hatched by all the three accused persons including the present petitioners which prompted the present petitioners to come immediately to the scene of occurrence to take the principal accused to their home.
3. Such a submission in our considered view is more an assumption than on materials in the police papers. This question may best be left to the wisdom of learned Trial Court.

4. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within 15 days from today in G.R. Case No. 1047 of 2023 arising out of aforesaid P.S. case. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The learned Additional Chief Judicial Magistrate is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2427 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

