

23.08.2023
ML. 361
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3167 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **25** of **2023** dated **24.01.2023** under Sections **302/201** IPC (corresponding to G.R. Case No. **477** of **2023**).

And

In the matter of: **Hassan Ali @ Hasen Ali**

....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Musharraf Alam Sk.

...for the petitioner.

Ms. Faria Hossain
Mr. Anand Keshari

... for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that the case is entirely based on circumstantial evidence.
3. The lone circumstance is to the effect that prior to the murder of the deceased, the present petitioner and two others had threatened the deceased for non-payment of their brokerage in respect of sale of a land.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Malda in G.R. Case arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the

condition that the petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 3167 of 2023** is disposed of.
7. Learned Chief Judicial Magistrate, Malda is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

