

373
ML
23-08-2023
(ct. no.29)
Sayandeep
Allowed

CRM(A) 3180 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara Police Station** Case No. **81 of 2023** dated **30.03.2023** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Kamaluddin Ahmed @ Kamal Mondal@Kamal

.... Petitioner.

Ms. Chandrima Debnath

... For the Petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State.

1. Heard learned counsel for the parties.
2. Learned counsel for the State submits that the present petitioner was there on the spot at the time of occurrence. Though there is no specific allegation against him, he is the main conspirator of the entire occurrence. From the record, we find that the transaction arose out of catching of fish in a village between the two groups. There may be some element of conspiracy in the case but trial Court is the best authority to decide the element of conspiracy which is purely a question of fact.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of

offence, nature of evidence, substantial progress in investigation and completion of investigation, it is directed that the petitioners shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:

- i) The petitioner is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset till submission of F.F.
4. The petitioners are directed to appear before the IO within 21 days from today along with the server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 3180 of 2023 is disposed of.
7. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)