

11.12.2023

SL. 21

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4142 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kandi** P.S. Case No. **526 of 2022** dated **17.09.2022** under Sections **302/201/120B/34** IPC corresponding to G.R. Case No. **1580 of 2022** pending before the learned ACJM, Kandi, Murshidabad.

And

In the matter of: **Kalimaddin Sekh @ Kalimuddin Sk**

....petitioner.

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

...for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Bibaswan Bhattacharya

...for the State.

1. Heard learned Counsel for both the parties.
2. We have also perused the report as submitted by learned ACJM, Kandi, Murshidabad. On perusal of the entire materials as placed before us it appears that the present case is based on circumstantial evidence. There are statements of the witnesses that prior to the alleged murder of the deceased the present petitioner along with the other co-accused persons conspired together in a picnic.
3. Investigation is stated to have been completed and the case has been committed so far as the other co-accused persons are concerned.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad within 15 days from today in the G.R. case No. 1580 of 2022 arising out of aforesaid P.S.

case.

5. On his appearance and application for bail 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.
6. The learned ACJM, Kandi, Murshidabad is directed to act upon the server copy of this order, if required.
7. It is further directed that the present petitioner shall appear before the learned ACJM, Kandi, Murshidabad in the aforesaid P.S. case within a fortnight from the date of his release on bail and on such appearance, learned ACJM, Kandi, Murshidabad shall open a part file and thereafter shall take steps for commitment of the present petitioner before the learned Court of Sessions/Additional Court of Sessions.
8. The petitioner is further directed to appear on each date fixed by learned ACJM, Kandi, Murshidabad till commitment is over.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 4142 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

