

13.11.2019  
SI No.38  
KB/GSD

**Calcutta High Court**  
**In the Circuit Bench at Jalpaiguri**

**CRM 971 of 2019**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 5<sup>th</sup> November, 2019 in connection with Boxirhat Police Station Case No. 172 of 2019 dated 8.8.2019 under Sections 341/328/506/34 of the Indian Penal Code, 1860 corresponding G.R. Case No. 541 of 2019.

And

In Re: Farhat Ali Seikh @ Forhat Ali Sekh & Anr.

... ... Petitioner

Mr. H. S. Podder

... for the petitioner.

Mr. Arun Kr. Sarkar

Ms. Namrata Das

Mr. Biswarup Roy

... ... for the State.

Learned Counsel appearing on behalf of the petitioners submits as follows. The petitioners are the brothers-in-law of the defacto-complainant/victim. It was alleged that the petitioners had forcibly administered poison upon the victim. Actually, there is a family dispute between the parties and the First Information Report is a result of the same.

Learned Counsel appearing for the State submits as follows. The victim had to be hospitalized. The statement of the victim's wife makes out a prima facie case although no statement of any independent witness is available which can throw light upon the relation between the petitioners and the victim.

Considering the absence of any independent corroboration and in view of the family relation that exists between the petitioners and the

victim, we are inclined to grant anticipatory bail to the petitioners. However, considering the nature of allegations, we think that the movement of the petitioners requires to be restricted.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties each, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer twice a week till the submission of the report in final form and on further condition that the petitioners shall not enter into the jurisdiction of Boxirhat Police Station until further orders except for meeting the Investigating Officer or for attending the Court and on further condition that the petitioners shall appear before the Court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 971 of 2019 is, thus, disposed of.

Certified website copies of this order if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

**(Jay Sengupta, J.)**

**(Subrata Talukdar, J.)**