

18.12.2020
SI No.97
b.das
P.Allowed

CRM 9546 of 2020

(Via video conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.906 of 2020 dated 10.09.2020 under Sections 448/328/307/406/34 of the Indian Penal Code.

And

In the matter of: Rubina Bibi @ Khatun & Ors.
... ... Petitioners.

Mr. Mrityunjoy Chatterjee
... for the Petitioners.

Mr. N.P. Agarwala
Mr. Protick Bose
... ... for the State.

It is submitted on behalf of the petitioner that there is a matrimonial dispute between the parties. Criminal cases have been registered by both the parties.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that petitioner No.1 administered tea to the victim mixed with poison. As a result the victim was admitted to a hospital. In view of the primary role played by petitioner No.1 in the crime, we are of the opinion that this is not a fit case to allow her prayer for pre-arrest bail. Accordingly, her prayer for pre-arrest bail is rejected.

However, keeping in mind the extent of complicity of the petitioner Nos.2 and 3 herein in the alleged crime and possibility of false implication due to pre-existing enmity cannot be overruled, we are inclined to grant the anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)