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Partly allowed

C.R.M. 382 of 2020

In Re.: An application under Section 438 of the Code of Criminal Procedure filed on 10.01.2020 in connection with Haldibari Police Station Case No. 159 of 2019 dated 17.08.2019 under Sections 498A/326 of the Indian Penal Code.

And

In Re : Aijul Fakir & Ors. petitioners

Mr. Arijit Ghosh

... for the petitioners

Mr. Pratick Bose

... for the State

It is submitted by the learned Counsel appearing for the petitioners that they have been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioners had forcibly administered poison to the victim housewife.

Having considered the materials on record and keeping in mind the prima facie involvement of petitioner no. 1 i.e. husband of the victim housewife in administering poison to her resulting in her hospitalization, we are of the opinion that this is not a fit case in granting anticipatory bail to him.

The application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, the allegation against petitioners no. 2 to 5 herein i.e. in-laws of the victim housewife in the act of administering poison requires to be assessed in the facts and circumstances of the instant case and as the possibility of exaggeration cannot be wholly ruled out, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioners no. 2 to 5 shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, 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 and on further condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

Accordingly application for anticipatory bail is allowed so far as petitioners no. 2 to 5 are concerned.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

