

11.08.2021
Item no.5.
Court No.32.
AB
(Partly Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Via Video Conference)**

CRM No. 742 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 14.07.2021 in connection with Ghoksadanga Police Station Case No.174 of 2021 Dated 21.05.2021 under Sections 498A/307/34 of the Indian Penal Code

And

In the matter of : Hamidul Haque @ Hamidul Mia & Ors.

.....Petitioners.

Mr. Hillol Saha Poddar,
Ms. Arpita Sahafor the Petitioners.

Mr. A. S. Chakraborty, Ld. APP,
Mr. Tapan Bhattacharya.....for the State.

It is stated that the petitioner nos.1 and 2 are distant relatives of the victim lady and the petitioner no.3 is her father-in-law. The petitioner no.4 is the victim's husband.

The allegation is that poison was administered on the victim lady. The husband and the in-laws together did this mischief. The lady somehow went to hospital and survived.

We have considered the material in the case diary. Investigation is in progress. The thrust of the allegation prima facie appears to be against the petitioner no.4. Hence, we are not inclined to allow his prayer for anticipatory bail.

The application is dismissed as far as the petitioner no.4 is concerned.

Insofar as the other petitioners (petitioner nos.1 to 3) are concerned, having considered their complicity in the alleged offence and on an overall consideration of the material on record, we are of the view that their immediate custodial interrogation may not be necessary so long as they cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioner nos.1 to 3 shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner nos.1 to 3 fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.742 of 2021 is, thus, partly allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

