

22.07.2022

22
Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(A) 3480 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shyampur** Police Station Case No. **403** of **2021** dated **09.10.2021** under Sections 302/34 of the Indian Penal Code, 1860.

And

In Re : Barajahan Paik & Anr.

..... petitioners

Mr. Firdous Samim
Ms. Gopa Biswas

....for the petitioners

Mr. Neguive Ahmed
Ms. Ayantika Ray

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He highlights the delay in the lodgment of the First Information Report (FIR). He refers to the contents of the FIR and the post mortem report of the victim. He contends that the post mortem report does not depict any external injury to the victim. He points out that 500-600 ml liquid was found with pungent smell in the stomach of the victim. He contends that such amount of poison cannot be made to be indigested by a person without use of external force.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the petitioners were last seen with the victim. He refers to the contents of the post mortem report. He submits that the Forensic Science Laboratory (FSL) report is still awaited.

Investigations are ongoing. The petitioners were last seen with the victim. The death of the victim is by poisoning as it apparently appears from the post mortem report.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 3480 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)