

11.07.2022.

Item No. 25

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 342 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 08.07.2022 in connection with Phansidewa Police Station Case No. 483 of 2021 dated 17.10.2021 under Sections 341/323/328/34 of the Indian Penal Code.

And

In the matter of: **Md. Pasarul & Anr.** ...petitioners

Mr. Sayan De,
Ms. Esha Acharya,
Mr. Kaustav Shome,
Ms. Kanjilal Sayan. ...For the petitioners

Mr. Abhijit Sarkar,
Mr. Saikat Chatterjee.For the State

Anticipatory bail is founded on the ground that the charge-sheet has been filed and in addition thereto a further supplementary charge-sheet has also been filed.

The charge against the petitioners is, inter alia, under Section 302 of the Indian Penal Code.

The petitioner no.1 is the father-in-law and the petitioner no.2 is the brother-in-law of the victim.

The facts of the case are that the petitioners are alleged to have poisoned their son-in-law after the said victim came to visit them to settle marital discord with their daughter, who was the wife of the deceased.

Counsel for the State opposes the prayer for anticipatory bail.

Considering the fact that charge-sheet has already been filed and the petitioners are not required for custodial interrogation any further and having regard to the fact that a Co-ordinate Bench of this Court in C.R.M. (DB) No. 106 of 2022 by order dated 2nd May, 2022 granted bail to the co-accused persons, this Court is inclined to allow anticipatory bail to the petitioners.

It is directed that in the event of arrest, the petitioners shall be released on bail to the satisfaction of the arresting officer upon furnishing Bond of Rs.10,000/- each on condition that the order shall remain valid for a period of two weeks within which the petitioners shall surrender before the court concerned for regular bail.

It is further directed that after release, the petitioners shall attend the Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel their bail without any further reference to this Court.

This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

The Case Diary be returned.

C.R.M. (A) No. 342 of 2022 is, thus, disposed of.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)