

26.09.2022
Serial no.1
Aloke

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

CRM (A) 568 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Samuktala Police Station Case No. 262 of 2021 dated 21.12.2021 under Sections 305/34 of the Indian Penal Code.

-And-

In the matter of : **Sri Samrat Ghosh & Anr.**

... .. Petitioners

Mr. Abhimanyu Bannerjee, Advocate

Mr. Arnab Saha, Advocate

... .. For the Petitioners

Mr. Aditi Shankar Chakraborty, Id. APP

Mr. Ujjwal Luksom, Advocate

Mr. Biswarup Roy, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The victim consumed poison.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the postmortem report of the victim and the statement of the sister of the victim, recorded under Section 161 of the Code of Criminal Procedure.

The postmortem report of the victim states that the death was due to the effect of antemortem poisoning. It also states that there were no external and internal injuries detected.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 condition that the petitioners shall meet the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 568 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)