

04.10.2023
SL. 33
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4028 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgarh** Police Station Case No. **68** of **2023** dated **23.07.2023** under Sections **498A/323/307/34** IPC and Sections **3/4** of the D.P. Act.

And

In the matter of: **Ratan Mahata @ Mahato & Ors.**

....petitioners.

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

...for the petitioners.

Md. Anwar Hossain
Ms. Monisha Sharma

...for the State.

1. Liberty is granted to the learned Counsel for the petitioners to correct the cause title in Court today.
2. Heard learned Counsel for the parties.
3. The present petitioner no. 1 is the husband of the victim wife while petitioner nos. 2 and 3 are her parents-in-law.
4. On perusal of the entire materials, it reveals that the allegation as against the present petitioners is that they had forcefully administered poison to the victim lady. We have perused the bed head ticket of the victim as well as the other materials especially, the statements of the witnesses as recorded under Section 161 Cr.P.C.
5. From the materials on record, we do not find any much material to substantiate the alleged forceful poison. Admittedly, there are some incriminating materials as against the present petitioners but *prima facie* it appears to us, those are omnibus in nature.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation,

the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) The petitioner nos. 1 and 2 are directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
- ii) The petitioner no. 3 being a lady is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till the submission of Final Form.

7. Within 21 days from today, petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
8. Accordingly, the prayer for anticipatory bail is allowed.
9. The application being **CRM (A) 4028 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

