

05.12.2023
(A. 27)

C.R.M. (A) 4363 of 2023

Court No. 29

S. Banerjee
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case No. **574 of 2023** dated **06.06.2023** under Sections **307/328/34** of the IPC.

And

In the matter of: **Bikash Majumdar @ Asim**

....petitioner

Mr. Khalid Hasan

...for the petitioner

Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the State

1. Heard learned Counsel for both the parties.
2. The husband is stated to have been ingested poison forcefully by the family members of his father-in-law when he had gone to the house of his father-in-law to bring his wife. Though there is allegation of forceful ingestion of poison, the Postmortem report is silent about any sort of external injury on the dead body. There is material on record to show that the deceased after reaching his house fell down and when he was given water he started vomiting and then he was admitted to hospital where he died after 11 days. The Postmortem report is not specific about the nature of poisoning. The case is based entirely on circumstantial evidence except the purported dying declaration which has been made before two of the witnesses who had administered water to the deceased when he fell down probative effect of the aforesaid piece of material as evidence should be best left to the wisdom of the learned trial court. Investigation has been completed in the meantime.
3. Regard being had to the facts and submissions, factum of

permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia (in G. R. Case No. 2213 of 2013) within 15 days from today.

4. On his surrender and application for bail each of them shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The learned Additional Chief Judicial Magistrate, Ranaghat, Nadia is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 4363 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)