

26.10.2023
SL No.45
Court No.8
(rp/gc)

CRM(A) 5004 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Santipur Police Station Case No.281 of 2023 dated 20.03.2023 under Sections 307/328/34 of the Indian Penal Code.

And

In the matter of: **Namita Sardar & Anr.**

.Petitioners.

Mr. Ankit Agarwala,
Mr. Subir Debnath

... For the Petitioners.

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose

... For the State.

1.The two petitioners before us are two sisters. The complainant is the mother-in-law of the first petitioner. The alleged offence relates to poisoning, that too by alcohol, of the husband of the first petitioner. The allegation is that the two petitioners got together and poisoned the husband of the first petitioner who was then on a visit to the house of the first petitioner.

2.After considering the material on record as contained in the case diary, we do not find any nexus between the involvement of the petitioners and the alleged offence. The material, at best, shows that the husband of the first petitioner consumed alcohol and became unwell.

3. We are hence inclined to grant to the prayer for anticipatory bail.
4. We, accordingly, direct that in the event of arrest, the petitioners shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties each of like amount, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioners shall comply with the conditions under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate with the investigation and make themselves available for questioning to the Investigating Officer as and when required. The petitioners shall also not intimidate witnesses or tamper with evidence. The petitioners shall be present for trial as and when required.
5. CRM (A) 5004 of 2023 is, accordingly, allowed and disposed of.

(BIBHAS RANJAN DE, J.) (MOUSHUMI BHATTACHARYA, J.)