

D/L 202
February 9, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 59 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Dhupguri Police Station Case No. 356 of 2022 dated 09.06.2022 for the alleged offence under Sections 498A/307/328 of the Indian Penal Code, 1860 read with Section 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of: Pushpajit Roy @ Puspojit

.... Petitioner

With

CRM (A) 60 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Dhupguri Police Station Case No. 356 of 2022 dated 09.06.2022 for the alleged offence under Sections 498A/307/328 of the Indian Penal Code, 1860 read with Section 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of: Nilima Roy

.... petitioner

Mr. Partha Pratim Sarkar,
Mr. Biswajit Das,
Mr. Sandip Guha Roy

... for the petitioner in both the matters

Mr. Nilay Chakraborty,
Mr. Dhiman Sil

... for the State

The petitioner in CRM (A) 59 of 2023 is the husband of the victim lady, whereas the petitioner in CRM (A) 60 of 2023 is the mother-in-law of the same victim.

The nature of the allegation is that the petitioners in both the matters have administered rat killer poison to the victim lady, who is about 18 years of age.

Learned counsel for the petitioners submits that in view of the medical report and the attending circumstances, there is sufficient doubt as to the involvement of the petitioners, for which anticipatory bail should be granted to the petitioners.

Learned counsel for the State seriously opposes the prayer for anticipatory bail of the petitioners and contends, by placing reliance on the injury report, that administration of rat killer was squarely established from the injury report. As such, it is submitted, the petitioners may not be granted anticipatory bail.

Upon considering the grave nature of the alleged offence and the injury report, which is a part of the record, we are not inclined to grant anticipatory bail to the petitioners.

Accordingly, CRM (A) 59 of 2023 and CRM(A) 60 of 2023 are dismissed, thereby refusing the anticipatory bail to both the petitioners.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)