

40. 12.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 496 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Haldibari Police Station Case No. 303 of 2022** dated **08/11/2022** under Sections **498A/307** of the Indian Penal Code, 1860.

And

In the matter of: - **Saiful Haque @ Chhayful Haque & Anr.**

...petitioners.

Mr. Tapabrata Ghosh, Adv.,
Mr. Sudip Guha, Adv.

...for the petitioners.

Mr. Abhijit Sarkar, Adv.,
Ms. Sukanya Adhikary, Adv.

...for the State.

Heard learned Advocate for the petitioners as well as learned Advocate for the State at length.

Learned Advocate for the State vehemently opposes the prayer for anticipatory bail.

We have perused the entire material in the case diary as placed before us. It appears that the allegation of torture is *prima facie* omnibus in nature. On a perusal of the bed-head ticket of the victim, *prima facie* we do not find any involvement of the present accused/petitioners in the alleged administration of poison upon the victim. After completion of investigation charge-

sheet has already been submitted. Accordingly, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioners, namely, **Saiful Haque @ Chhayful Haque** and **Golapi Khatun**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the present accused/petitioners shall appear before the learned trial Court within twenty one days from the date of obtaining a certified copy of this order or from the date of uploading of this order in the server, whichever is earlier.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 496 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)