

12.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 695 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 282 of 2023 dated 02.06.2023 under Sections 498A/302/120B of the Indian Penal Code.

And

In Re : Lokhibar Rahaman petitioner

Mr. Jaydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Sourav Ganguly

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 145 days. It is also submitted there is no allegation that he had administered poison to the victim lady. Possibility of self-ingestion of poison cannot be ruled out. Investigation is complete. He renews his bail prayer.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits victim is the first wife of the petitioner. He conspired with other accused including his second wife and poisoned food/drink of the victim.

3. We have considered the materials on record. It is contended pesticide was put into the food/drink of the victim.

It is nobody's case that the pesticide was a tasteless/odorless substance which would not be noticed by the person who consumes it. There is nothing on record to show that the victim had been forcibly administered poison. Under such circumstances possibility of self-ingestion of poison cannot be ruled out. Investigation is complete and charge-sheet has been filed. There is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

