

32
26.06.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 604 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Kulti PS Case No. 621 of 2024 dated 03.12.2024 under Sections 85/80/61(2) of BNS, 2023.

And

In Re : **Kanhai Sharma @ Kanai Sharma** ... Petitioner.

Mr. Avik Ghatak

Mr.

Fahad Imam ... for the Petitioner.

Ms. Faria Hossain

Mr. Sobhan Gani ... for the State.

Heard learned counsels for the parties.

The petitioner is the husband of the victim and is in custody for more than 200 days.

Learned counsel for the petitioner submits that though the post mortem report indicates ingestion of poison by the victim, the report relies upon the FSL report of the viscera. The FSL report records that no poison was found in the viscera.

Learned counsel further submits that grounds of arrest have not been recorded in the arrest memo at the time of arrest.

Learned counsel for the State opposes the prayer.

I have considered the material on record. It is noted that grounds of arrest have neither been informed to the petitioner, nor recorded in the arrest memo at the time of his arrest. On merits, it appears that the post mortem report of the victim records that death was due to effects of poisoning

subject to opinion regarding nature of poison by chemical examiners. The FSL report suggests that no poison was found. However, the said report has been clarified by the autopsy surgeon who has stated that sometimes poison cannot be detected due to passage of time between the intake and death and also between death and FSL examination. Therefore, presence of poison in the body of the victim cannot be ruled out at this stage.

Two other accused are absconding for which charges cannot be framed.

Considering the material on record and extent of complicity of the petitioner in the alleged crime as well as since grounds of arrest were not communicated to the petitioner at the time of his arrest, this Court is inclined to hold that the petitioner be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Kanhai Sharma @ Kanai Sharma** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date without justifiable cause, the

learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)