

SC 70 of 2023
CNR-WBBK090002312023

**In connection with Simlapal P.S. case no. 47 of 2023 dated 18.03.2023 U/s 498A/302/
109/34 of IPC and section 3/ 4 D.P. Act corresponding to GR case no. 219 of 2023.**

Order No. 04
Dated 02.09.2023

Today is the date fixed for hearing of the bail petition dated 16.08.2023 filed on behalf of the accused person namely Ashish Barik.

Ld. Advocate for the said accused person is present.

Ld. P.P. In-charge of this case is present.

Ld. Advocate for the said accused person has submitted that this accused person is in custody since 21.03.2023, and charge sheet in this case has been filed. He has further submitted that in this case there are five accused persons and out of that four accused persons are already on bail. He has further submitted that, the statement of the de facto complainant before the police is silent about the dying declaration made to him by the victim. He has further submitted that this accused person has been falsely implicated in this case. He prays for enlarging this accused person on bail on any condition.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person and submitted that this accused person is the husband of the victim and from the recorded statement U/s 161 Cr.P.C of the witnesses, and recorded statement U/s 164 Cr.P.C of the mother of the victim, it is clear that there are specific allegations against this accused person. He has further submitted that the allegations against this accused person are very serious. He prays for rejecting the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the said accused person, the P.P. In-charge of this case and perused the records including CD. From the records, it is revealed that this accused person is in custody since 21.03.2023. From the recorded statement U/s 164 Cr.P.C of CSW 2, recorded statement U/s 161 Cr.P.C of the witnesses CSW 7, 8 and 10, contents of inquest report, it is revealed that there are serious allegations against this accused person. From the records it is revealed that this accused person is the husband of victim and there are specific allegations against this accused person. Considering the materials on records specially the dying declaration of victim mentioned in written-complaint, presumption under section 113B of the Indian Evidence Act and seriousness of allegations against this accused person, I am of the view that it will not be justified to enlarge this accused person on bail at this stage, hence the bail petition dated 16.08.2023 filed on behalf of this accused person, namely Ashish Barik is rejected, in corollary the accused person is remanded to J/C till next date fixed.

With the above observations, the bail petition dated 16.08.2023 filed on behalf of the accused person namely Ashish Barik is disposed of.

Let CD be returned.

To date(19.09.2023) for production of the accused person in custody, appearance of the accused persons on court bail and consideration of charge.

Dictated & corrected
by me.

A.S.J

Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB01399