

Order No. 05
Dated 28.06.22

Accused Bholanath Poral in custody is produced from j/c.

Rest accused persons namely, Satu Poral, Abha Poral, Huna @ Debashish Poral and Garabi @ Sima Bauri on bail are present by filing hazira.

State of West Bengal represented by Mr. Arun Kumar Chatterjee, Ld P.P. Bankura, is present and proposes to open his case and he also proposes to frame charge against the accused persons for offences u/s 498-A and 304-B IPC. He also proposes for framing of charge alternatively u/s 302 IPC.

Heard the Id Defence counsel as well.

Perused the materials on record and CD u/s 172 read with section 173 (5) Cr.PC.

On perusal of the materials as above, I find that the prosecution has a triable case meaning that there exists grounds for presuming that the accused persons have committed the offences of dowry harassment and dowry death punishable u/s 498-A and 304-B IPC. I am also satisfied that the nature of the offence emerging from the CD also indicate that there is grounds for presuming that the accused have committed the offence of murder in furtherance of common intention of all punishable u/s 302 r/w sec 34 IPC. Accordingly, formal charge u/s 498-A and 304-B IPC are framed against all the accused persons in a separate sheet and also alternatively a charge u/s 302/34 IPC is framed against all the accused persons in another separate sheet and are kept in the record.

Contents of the above charges are read over and explained to the accused persons in vernacular to which they plead not guilty by saying, - "Amra Nirdosh' and claim to be tried.

Accordingly, the trial will commence as per the schedule as follows :

25.07.22. for evidence of CSW No. 1 & 2

26.07.22. for evidence of CSW No. 3 and 4

27.07.22. for evidence of CSW No. 5 and 6

Issue summons accordingly. Return CD.

Dictated & Corrected

ASJ, 2nd Court, Bankura

ASJ, 2nd Court, Bankura

Later
Dated 28.06.22

One bail application is filed on behalf of accused Bholanath Poral in custody.

Heard the Id Counsel appearing for the accused who submits that the accused has been in custody for more than 90 days and the facts and circumstances of the case as emerging from the materials on record are suggestive of death due to poison. According to the Id counsel that it was a case of suicide which can be gathered from the circumstances that the victim out of sudden anger and impulse had consumed poison following domestic dispute and brawl. The petitioner is innocent and he will face the trial and there is no chance of his fleeing from the justice. So, he prays for bail on any terms and conditions as this Court may think just and proper.

Ld Spl P.P. appearing for State vehemently opposes the prayer for bail on the ground that charge-sheet has been submitted within the statutory time and the prosecution wants to conclude the trial with utmost expedition.

Having heard submissions of both the sides and having considered the nature of accusation and the nature of evidence from the CD, I find that there is least apprehension that the accused will flee from justice or threaten the witnesses of this case. Such being the position, I am inclined to allow the prayer for bail with the following :

O R D E R

Accused Bholanath Poral be released on bail on furnishing a personal bond of Rs.10,000/- with two registered sureties of Rs.5,000/- each to the satisfaction of Id CJM, Bankura, subject to condition that he will attend the court on each and every date fixed for inquiry and trial; that he will not in any manner offer any inducement or threat or promise to any of the witnesses of this case so as to dissuade them from disclosing the actual facts to the court; and he shall not leave the jurisdiction of this court without prior permission of this court until further order or till disposal of the case whichever is earlier.

Return CD.

In default of furnishing bail bond, the accused be remanded to j/c as per the days mentioned above.

Let an extract copy of this order be sent to the Id CJM, Bankura, for his information and necessary action.

Dictated & Corrected

ASJ, 2nd Court, Bankura

ASJ, 2nd Court, Bankura