

S.T. 01(09)2022
CNR. no. WBBK090002102022

**In connection with Barikul P.S. case no. 14 of 2022 dated 08.04.2022 U/s 498A/
306/34 of IPC and 3/ 4 D.P. Act corresponding to GR case no. 144 of 2022.**

Order No-8
Dated – 15.09.2022

Today is the date fixed for hearing of the bail petition dated 08.09.2022 filed on behalf of the accused persons namely Nirmal Pal and Golapi Pal U/s 439 Cr.P.C.

Ld. Advocate for the accused persons is present.

Ld. Public Prosecutor In-charge of this case is present.

Ld. Advocate for the said accused persons has submitted that no any bail petition is pending or rejected by any higher Court in respect of both the accused persons in this case. Ld. Public Prosecutor In-charge of this case has conceded the said submissions of the Ld. Advocate for these accused persons.

Ld. Advocate for the said accused persons has submitted that these accused persons are in custody since 06.06.2022 and both the accused persons are senior citizens. He has further submitted that, from the recorded statement U/s 161 Cr.P.C of the witnesses, upon which prosecution is heavily relying upon do not disclose any incidents caused by the present petitioners that were happened immediate before the death of the victim. He has further submitted that, from the recorded statement U/s 161 Cr.P.C of the witnesses it is clear that the immediate incidents happened prior to death of the victim are contributed by accused persons namely Arjun Pal and Banamali Pal, who are not petitioners in this bail petition. He has further submitted that these accused persons have been falsely implicated in this case. He prays for enlarging these accused persons on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of these accused persons, and submitted that the recorded statement U/s 161 Cr.P.C of the witnesses available in CD fully corroborate the allegations against these accused persons in this case. He has further submitted that from the records it is revealed that the place of occurrence is a forest that cannot be considered as place of occurrence for committing suicide for a woman. He has further submitted that the allegations against these accused persons are serious. He prays for rejecting the bail prayer on these accused persons.

I have heard the submissions of the Ld. Advocate for the said accused persons, and the P.P. In-charge of this case and perused the records including CD. From the records, it is revealed that these accused persons are in custody since 06.06.2022 and both the accused

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persons are senior citizens. From the records, it is revealed that in this case charge-sheet has been filed U/s 498A/306/34 of IPC and under section 3 & 4 of the Dowry Prohibition Act. From the recorded statement U/s 161 Cr.P.C of the witnesses available at page 105, 106, 107, 108, 109 of CD , it is revealed that the immediate incidents happened prior to death of the victim were caused by the accused persons namely Arjun Pal and Banamali Pal. It is also revealed from the records that allegations against the accused persons, who are petitioners in this bail petition are omnibus. From the postmortem report of the victim it is revealed that postmortem conducting doctor has opined that the manner of the death of the victim appears as suicidal. Considering the materials on records, specially the nature of allegations against both the petitioners as omnibus, period of custody of both these accused persons, age of both these accused persons and absence of any materials indicating causing of immediate incidents prior to death of the victim, I am of the view that it will be justified to enlarge both the accused persons namely Nirmal Pal and Golapi Pal on bail on following conditions:

- 1) Both the accused persons will appear in each and every proceeding of the case.
- 2) Both the accused persons will not influence any of the witnesses of this case.
- 3) Both the accused persons namely, Nirmal Pal and Golapi Pal will furnish bail bond of sum of Rs. 2000/- each with two registered sureties of Rs. 1000/- each to the satisfaction of Ld. A.C.J.M, Khatra.

With the above observations, bail petition dated 08.09.2022 filed on behalf of the accused persons, namely Nirmal Pal and Golapi Pal is disposed of.

Let CD be returned.

To date (04.11.2022) for production/ appearance of the accused persons and S.D.T.

Let a copy of this order be sent to the Ld. A.C.J.M., Khatra for information.

Dictated and Corrected by me,

Additional Sessions Judge,
Khatra, Bankura

Additional Sessions Judge,
Khatra, Bankura