

14.07.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 2792 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.07.2023 in connection with Asansol South Police Station Case No.69 of 2021 dated 16.02.2021 under Sections 498A/304B of the Indian Penal Code.

And

In Re: ***Jitu Balmiki & Anr.***

... .. Petitioners

Mr. Asraf Mandal

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor

Mr. Parthapratim Das

Mrs. Manasi Roy

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for over 700 days. It is further submitted victim suffered accidental burns. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim-housewife was subjected to torture over demands of dowry. As a result, she committed suicide within 1½ years of marriage.

We have considered the materials on record. Victim-housewife suffered burn injuries at the matrimonial home. Whether the burns were accidental or not may be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioners and as there is no possibility of trial concluding in the near future, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely ***(1) Jitu Balmiki & (2) Banti Balmiki***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 the said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)