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03.09.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1192 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Hasnabad P.S. Case No. 85 of 2023 dated 05.03.2023 under Sections 498A/326/302/109/34 of the Indian Penal Code.

And

In Re : **Prasanta Pramanik @ Prashanta Pramanik @ Prasanta Pramanick @ Poro & Anr.**

... Petitioners.

Mr. Kallol Kr. Basu
Md. Jannat Ul Firdous
Mr. Rajsekhar Hota

... for the Petitioners.

Mr. Soumik Ganguly
Mr. Ratul Ghosh

... for the State.

Mr. Kunal Ganguly ...for the de facto complainant.

Heard learned counsels for the parties.

The petitioners are the second husband and the step son of the victim and are in custody for more than 2 years. They renew their prayer for bail.

Learned counsels for the State and the de facto complainant oppose the prayer.

Bail prayer of the petitioners was turned down by this Court earlier primarily on the anvil of the dying declaration of the victim. In her dying declaration the victim appears to have stated that the 2nd petitioner poured kerosene on her person and ignited her. The 1st petitioner was watching the incident from a distance. The doctor Apurba Kumar Nayek who was present when the dying declaration was recorded has been examined as PW 7 and has stated that if a person

receives burn injuries in his/her person in facial regions along with ears and lips, capability of such person of hearing and giving statement ought to be tested prior to recording any statement. Such test was not conducted before recording the dying declaration. The dying declaration has been diluted by the said doctor in his evidence. Also, no inflammable petroleum product was detected in the wearing apparel of the victim in the forensic examination conducted.

The petitioners are in custody for more than 2 years. This Court is informed that the 1st petitioner was granted bail earlier and misused his liberty for which he was again taken into custody.

Considering the material on record, quality of evidence and period of detention of the petitioners, this Court is of the view that further detention of the petitioners is not required and they may be released on bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioners **Prasanta Pramanik @ Prashanta Pramanik @ Prasanta Pramanick @ Poro & Binay Pramanik @ Kanu @ Kalo** be released on bail upon furnishing bond of Rs.10,000/- each (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat subject to condition that they shall appear before the learned trial Court on every date of hearing and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioners fail to appear before the learned trial Court on any date without justifiable cause, the learned trial Court shall be at liberty to cancel their 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.)