

## **Misc. (Bail) Case No. 85 of 2021.**

**07.08.2021.**

Seen Bail Petition No.388/21 filed by petitioner Sri Nitul Das u/s. 439 Cr.P.C in connection with Gohpur P.S. Case No.149/2021 (Corresponding G.R. Case No.173/2021) u/s. 147/148/342/325/307/354(B) IPC praying for bail of accused Sri Keshab Das on the grounds that the accused person is totally innocent, the allegations labelled against the present accused person are totally false and fabricated. The real fact is that the victim Smti Ronemai Das is his wife and they have three children but one Sri Prafulla Misong by inducing took her away from his house about 3 months ago. But the victim somehow came from the custody of said Prafulla Misong and took shelter in the house of her elder sister. On 11.06.2021 the present accused being the husband of the victim called in her to his home to continue their conjugal life and while she came to his home, her father-in-law Kalia Das, brother-in-law Pradip Das and other accused person assaulted but the present accused tried to save her but the rest accused persons locked him inside a room bolting from outside.

Heard the learned counsel for both sides.

Learned counsel representing the accused submitted that the present accused is the husband of the victim Ronemai Das and they have three children and as such for the best interest of their children the accused called in the victim to his house on the date of incident. But on her arrival at this house, the other accused persons assaulted the victim to which the present accused protested and saved her and as such he has been kept inside a room bolting from outside. The victim has no grievance against the present accused and both of them are willing and ready to resume their conjugal life and as such the victim executed and Affidavit and also filed a petition for releasing the accused on bail. Hence, he has prayed for releasing the accused on bail.

Learned Addl. P.P raised objection against the prayer of bail of the accused Sri Keshab Das on the grounds of his involvement in the commission of the alleged offences.

Received the case diary.

Perused the case diary and it discloses sufficient and specific incrimination against the accused Sri Keshab Das.

Seen the Affidavit and the petition filed by the victim Ronemai Das and thereby she has stated that she has no objection if accused Keshab Das is released on bail.

Having gone through the case record it appears that the case is registered u/s. 147/148/342/325/307/354(B) IPC and offences u/s.307/354(B) IPC are not compoundable according to the mandate of Sec.320 IPC.

In the case of Ram Lal and another -Vs- State of Jammu and Kashmir reported in (1999) Cr.L.J (SC) 137, the Hon'ble Apex Court

held that "We hold that an offence which law declared to be non-compoundable even with the permission of the Court cannot be compounded at all."

Having considered the above proposition of law as well as clear incrimination against accused Keshab Das in respect of commission of the alleged offence, I am not inclined to release the accused Keshab Das on bail at this stage. So, the prayer of bail of accused Keshab Das supported by the Affidavit and prayer of the victim Ronemai Das stands rejected.

Return the C.D.  
Inform I/O accordingly.  
With the above order this bail petition stands disposed of.