

15.09.2020
(25) KC

C.R.M. 6553 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 54 of 2020 dated 1.02.2020 under Sections 376/506 of the Indian Penal Code, read with Section 4(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In the Matter of : Sukumar Mondal

.... petitioner.

Mr. Kaushik Chaudhury.....For the petitioner.

Mr. Madhusudan Sur,

Mr. N.P. Agarwala.....For the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner says that the charge-sheet refers to Section 4(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, but there is no such provision in the statute.

The principal charge against the petitioner is under Section 376 of the Penal Code. The Statement of the victim as produced by the State appears to be clear and categorical.

It is also evident that the victim belongs to a scheduled tribe. Even if the inappropriate reference to the provision in the Act of 1989 is disregarded, the complaint against the petitioner and the statement of the survivor do not entitle the petitioner to obtain bail.

CRM 6553 of 2020 along with the interim application therein are disposed of.

(SANJIB BANERJEE, J.)

(ANIRUDDHA ROY, J.)