

01.04.2022

Sl. 13
Court No.29
suvayan
(Allowed)

CRM (A) 1499 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suri** P.S. Case No. **192 of 2020** dated **15/07/2020** under Sections **341/323/379/326/384/354/506** of the Indian Penal Code, 1860 read with Sections **25/27** of the Arms Act and Section **3(i)(x)** of the S.C. and S.T. (Prevention of Atrocities) Act, 1989.

And

In the matter of: Mojammel Sk. @ Mohim Sk. @ Sekh Mozammel
....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. A. Banerjee

...for the petitioner.

Mr. Madhusudan Sur
Mr. Manoranjan Mahata

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner and the de facto complainant are business partners. The petitioner was falsely implicated. The petitioner lodged a previous compliant against the de facto complainant. The present police case is a counter blast to such previous police complaint.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. In particular, he refers to the petition under Section 156(3) of the Criminal Procedure Code which was filed by the de facto complainant pursuant to the police complaint was lodged.

In the petition under Section 156(3) of the Criminal Procedure Code, the de facto complainant alleges that the petitioner allegedly used derogative words as against the de facto

complainant in the mobile phone and at a public place.

The necessary ingredients to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prima facie appears to be absent in the police complaint.

The possibility of the petitioner being framed because of the partnership business and because of the previous complaint of the petitioner cannot be ruled out at this stage. Neither can the complaint being *mala fide* can be ruled out.

In such circumstances, we are of the view that the embargo under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not attracted in the facts of the present case.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the police filed charge-sheet, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report as and when called for by the Investigating Officer till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass

appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 1499 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)