

05.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1548 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhatar** Police Station Case No. **29** of **2022** dated **21.01.2022** under Sections 447/323/506 of the Indian Penal Code, 1860 and under Section 3(1)(5) of the Schedule Casts and the Schedule Tribes (Prevention of Atrocities) Act, 1989.

And

In Re : Sanjib Ghosh

..... petitioner

Mr. Sujoy Sarkar

....for the petitioner

Mr. Shiladitya Banerjee

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. There is a civil suit pending between the petitioner and the de-facto complainant with regard to an immovable property. There was a previous police complaint lodged against the petitioner under the provisions of the Schedule Casts and the Schedule Tribes (Prevention of Atrocities) Act, 1989, in which the petitioner was discharged.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The complaint lodged by the de-facto complainant was on January 21, 2022. It speaks that the petitioner using derogatory words with regard to the caste of the de-facto complainant on a private land in respect of which there are civil disputes between the private parties. There is a civil suit pending between the petitioner and the de-facto complainant before the Civil Court at Burdwan.

Considering the fact that the possibility of the complaint being filed malafide, as the counter-blast to the civil suit and considering the fact that in the previous complaint lodged against the petitioner, the petitioner was discharged and considering the fact that the place where the alleged incident took place is not a public place, we are of the view that the provisions of Section 18 of the Act of 1989 are not attracted.

Considering the gravity of the offence and the involvement of the petitioner therein, we deem it appropriate to 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/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a month 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)