

12.05.2022

Sl. 08
Court No.29
suvayan
(Allowed)

CRM (A) 2092 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malipanchghara** P.S. Case No. **28/22** dated **03/02/2022** under Sections **341/506/509/34** of the Indian Penal Code and Section **3(1)(r)** of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Amendment Act, 2015.

And

In the matter of: Jhumpa Paul

....petitioner.

Mr. Subhasish Pachhal

...for the petitioner.

Mr. Avishek Sinha

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner refers to the complaint lodged by the de facto complainant with the police. He contends that, there is a previous police complaint between the private parties. The present police complaint does not attribute any overt act as against the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the provisions of Section 2(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He refers to the statement recorded under Section 164 of the Criminal Procedure Code.

The de facto complainant lodged a police complaint on February 3, 2022. In the police complaint, as against the petitioner, it is alleged that the petitioner used unparliamentary language.

The police complaint does not allude to any offensive words being used by the petitioner against any person governed by the Act of 1989.

In such circumstances, the bar under Section 18 of the Act

of 1989 will not apply.

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 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) 2092 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)