

**04.08.2022**

Sl.11

Court No.29

(AD)

(Rejected)

**C.R.M. (A) 3687 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panrui** Police Station Case No.**210 of 2021** dated **28/12/2021** under Sections **447/34** of the Indian Penal Code read with Sections **3(1)(r)(s)(u)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In the matter of: **Kalipada Su & Ors.**

....petitioners.

Mr. Sanjib Kumar Dan

Mr. Saryati Datta

...for the petitioners.

Mr. Soumik Ganguli

...for the State.

Petitioners pray for anticipatory bail.

The complaint was filed under Section 156(3) of the Code of Criminal Procedure alleging violation, *inter alia*, of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The case diary contains two statements recorded under Section 161 of the Code of Criminal Procedure of the wife of the de facto complainant as also the mother of the de facto complainant.

Such statements do not make out a case under the Act of 1989. However, the mother of the de facto complainant subsequently recorded a statement under Section 164 of the Code of Criminal Procedure implicating the petitioners herein, *inter alia*, under the provisions of the Act of 1989.

In view of the statement of the mother of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure, we are of the view that the provisions of Section 18 of

the Act of 1989 stands attracted. Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

**C.R.M. (A) 3687 of 2022** is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**