

22.11.2022

Sl. No.6

akd

[Rejected]

C. R. A. (DB) 208 of 2022

In Re: An appeal under Section 14A(2) of the Scheduled Casts & Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 439 of the Code of Criminal Procedure filed on 31.10.2022 in connection with Gangarampur Police Station Case No. 150 of 2021 dated 01.05.2021 and RC 0562021S0044 under Sections 302/324/307/120B/34 of the Indian Penal Code read with Section 3(2)(5) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re: ***Biren Pramanick & Anr.***

... .. Appellants

Mr. Aritra Bhattacharya
Mr. Sreekumar Sinha

... .. for the appellants

Mr. Kallol Mondal

... .. for the CBI

It is submitted on behalf of the appellants that they are in custody for more than 500 days. It is further submitted appellants have been falsely implicated in the instant case due to political rivalry.

Learned advocate appearing for the CBI opposes the prayer for bail and submits appellants were named in the FIR. After transfer of investigation to CBI, statements of injured eyewitness were recorded under Section 164 of the Code of Criminal Procedure. Appellants have been named in the said statements. Prayer for bail of co-accused similarly circumstanced with the appellants has been rejected by this court in CRM (DB) 3821 of 2022.

We have considered the materials on record. Appellants were named in the FIR. Injured eyewitness also implicates the appellants in his statement recorded under Section 164 of the Code of Criminal Procedure. It is contended the said statement is an afterthought as the injured eyewitness did not name the accuseds in the injury report. In the

injury report, injured eyewitness, though not specifically naming the appellants, referred the assailants as local goons. Appellants are members of the locality and their names have transpired in the subsequent statement. Prayer for bail of co-accuseds has been turned down by this court and charge has already been framed. Under such circumstances, we are not inclined to interfere with the order rejecting bail of the appellants by the court below.

The appeal is accordingly, dismissed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)