

13.01.2023

Sl.13

Court No.29

(AD)

(Allowed)

C.R.M. (A) 138 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Basirhat** Police Station Case No.**474 of 2019** dated **25.05.2019** under Sections **341/325/354/506/34** of the Indian Penal Code and Section **3** of SC. ST. (Prevention of Atrocities) Act.

And

In the matter of: **Arpan Halder & Anr.**

....petitioners.

Mr. Kallol Kumar Basu
Mr. Md. Jannat Ul Firdous
Ms. Tithi Majumder

...for the petitioners.

Mr. Jaydeep Roy
Ms. Sujata Das

...for the State.

Petitioners pray for anticipatory bail.

The police filed charge sheet.

The petitioners before us claim to be a member of the Scheduled Caste.

In support of such contention, a caste certificate is relied upon.

Prima facie, it appears that the provisions of the Scheduled Castes and Scheduled Tribes (Preventions of Atrocities) Act, 1989 are not attracted as against the petitioners.

In such circumstances, the bar under Section 18 of the Act of 1989 is not attracted in the facts and circumstances of the present case. Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of

like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear on every date 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 138 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)