

13.03.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 862 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nayagram** Police Station Case No.**08 of 2023** dated **22.01.2023** under Sections **447/323/325/308/427/506** of the Indian Penal Code and Sections 3(1) (g) (r) (s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

And

In the matter of: Malay Tarai & ors.

..... petitioners

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha

....for the petitioners

Mr. Navanil De

....for the State

Mr. Debashis Banerjee,
Mr. Santanu Chakraborty

...for the de facto complainant

Report as called for by the order dated February 28, 2023
filed in Court be taken on record.

The report states that petitioners belong to Scheduled Caste. The de facto complainant is a member of the Scheduled Tribe.

In view of the such report by Sub Divisional Officer, the provisions of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 are not attracted.

So far as the provisions of the Indian Penal Code are concerned, apparently, a free fight took place between the private parties where some persons suffered injuries. The injuries do not suggest that they are of grievous nature.

The de facto complainant is represented.

Learned advocate for the de facto complainant submits that the de facto complainants are still in hiding for their life. De facto complainants are at liberty to take appropriate steps so far as their complaints are concerned.

Considering the offence and involvement of the petitioners in the incident, 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 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 petitioners will report before the Investigating Officer once in a month till the conclusion of investigation and on further condition that the petitioners will 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)