

30.03.2023
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allowed

CRM(DB) No. 1069 of 2023

In Re:- An appeal under Section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act in connection with Ekbalpore Police Station Case No. 486 of 2022 dated 11.01.2022 under Sections 147/148/149/307/427/201/34 of the Indian Penal Code read with Sections 8 and 9 of the West Bengal Maintenance of Public Order Act and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

And

In Re : Md. Fakruddin Siddiqui @ Fakru & Anr. petitioners

Mr. Ayan Bhattacharya
Mr. Anand Keshari
Mr. Rizwan Ansari
Ms. Sutapa Ghosh

.....for the petitioners

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das

..... for the State

Liberty is granted to convert the petition of bail into a petition of appeal under Section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Victim has been notified but nobody appears on behalf of the victim.

Learned Counsel for the petitioners submits there was a commotion in the locality. They have been falsely implicated. The court below did not consider the extent of their involvement while rejecting bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioners were members of the riotous mob. Due to throwing of brickbats victim suffered injuries and was hospitalised.

We have considered the materials on record. A riot broke out in the locality. Statements of the witnesses show petitioners were present in the mob and threw brickbats. However, brickbats were not aimed at the victim. Victim did not suffer bomb blast injuries. Whether the injuries as noted in the medical papers would endanger life requires to be assessed during trial. Keeping in mind the aforesaid circumstances, we are of the opinion petitioners have been able to make out a case of bail. Accordingly, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.25,000/ each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, on further conditions that while on bail the petitioners shall not enter the jurisdiction of Ekbalpore Police Station until further orders except for the purpose of attending court proceeding and shall provide the address where they shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Police Station concerned within whose jurisdiction they shall presently reside once in a week until further orders. Petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to

cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)