

02.05.2023
Sl. No.22
akd
[ALLOWED]

C. R. A. (DB) 99 of 2023

In Re: An appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 filed on 04.04.2023 in connection with Ekbalpore Police Station Case No.486 of 2022 dated 11.10.2022 under Sections 147/148/149/307/427/201/34 of the Indian Penal Code read with Sections 8/9 of the West Bengal Maintenance of Public Order Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re: **Sk. Sajid @ Vishal & Anr.**

... .. Appellants

Mr. Anand Kesari
Ms. Sutapa Ghosh (Bose)

... .. for the appellants

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the appellants that they are in custody for about 183 days. Co-accused have been enlarged on bail. Investigation is complete. They have appealed against order dated 09.02.2023 and pray for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

Inspite of notice, nobody appears on behalf of the victim.

We have considered the materials on record. Learned Judge has turned down the bail prayer of the appellants on the ground of gravity of the offence. Co-accused have been enlarged on bail. Appellants stand on the same footing with the said co-accused. No firearm or explosive substance was recovered from the appellants. Investigation is complete. No one was injured. There is little possibility of trial commencing in the near future. Under such circumstances and in view of the period of detention suffered by the appellants, we are of the

opinion further detention of the appellants is not necessary and they may be enlarged on bail however, subject to strict conditions.

Therefore, the appellants, namely **(1) Sk. Sajid @ Vishal & (2) Amir Ahmed @ Sunny**, be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty-five thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, South 24-Parganas at Alipore subject to condition that the said appellants shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the appellants, while on bail, shall not enter the municipal limits of the city of Kolkata except for the purpose of attending court proceedings and shall provide the address where they shall presently reside to the Investigating Agency as well as the 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.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The appeal is accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)