

18.05.2023
tkm/ct 28
sl no. 12

C.R.A. (DB) 131 of 2023

In Re : An application under section 34(3) of the Code of Criminal Procedure read with section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act
and

Allowed

In Re : Saroj Gantait petitioner

Md. Sabir Ahmed
Ms. Suman Biswas

..... for the petitioner

Mr. Swapan Banerjee
Mr. A S Chatterjee

..... for the State

Service is complete.

Inspite of service, nobody appears for the de facto complainant.

Appellant has assailed order dated 20.4.2023 passed by the learned Judge, Special Court, Tamruk, Purba Medinipur rejecting his bail. It is submitted co-accused are on bail. He is in custody for 372 days. There is no allegation that the victim was subjected to torture on the ground that she was a member of Scheduled Caste community. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits that the victim was tortured by the appellant and other in laws. As a result, she committed suicide.

We have considered the materials on record. Appellant is the husband. He had met the victim on a social networking platform. A love affair developed. It is contended that the victim was subjected to torture over demand of dowry. Investigation is complete. Co-accused i.e in-laws are on bail. There is no chance of

abscondence of the appellant. Allegations of torture may be proved during trial.

Under such circumstances, we are of the opinion further detention of the appellant is not necessary and he may be enlarged on bail.

Accordingly, the appellant/petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court, Tamluk Purba Medinipur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRA (DB) 131 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)