

26.07.2023.
05.
Ct.No.28
as
(Allowed)

C.R.A. (DB) 165 of 2023

In Re:- A petition of appeal under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in connection with Rajnagar P. S. Case No.21 of 2023 dated 30.03.2023 under Sections 376/417/420/506 of the Indian Penal Code and under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and charge sheet submitted under Sections 376/417/420/506 of the Indian Penal Code and under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

In the matter of : Ananda Ghosh.

.... Appellant.

Mr. Sujoy Sarkar.

...for the Appellant.

Mr. Partha Pratim Das,
Ms. Eshita Dutta.

...for the State.

Appellant is in custody for 119 days. It is submitted there was a love affair between him and the victim girl. Subsequently, the relationship did not fructify into marriage. He has been falsely implicated. Without considering the aforesaid facts, bail prayer was turned down by the trial court. He has appealed against the said order.

Learned Advocate for the State submits petitioner cohabited with the victim on the false promise of marriage.

We have considered the materials on record. There was free mixing between the parties. Whether change of stance of the appellant with regard to matrimony was dishonest or prompted out of circumstances beyond his control requires to be assessed during trial. Though victim is a member of the scheduled caste, nothing is placed on record to show that the

crime was committed on such score. Petitioner is in custody for 119 days. Investigation is complete. There is no chance of abscondence.

Under such circumstanceds, we are inclined to grant bail to the appellant.

Accordingly, the appellant viz., Ananda Ghosh shall 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 under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Suri, Birbhum subject to condition that he 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.

In the event the appellant fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The appeal is, accordingly, allowed.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)