

03.10.2023
SL. 19
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3601 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nabadwip** Police Station Case No. **398 of 2023** dated **31.07.2023** under Sections **498A/506/509** of the IPC and Section 3(T) of the S.C. & S.T. Prevention of Atrocities Act.

And

In the matter of: **Brahmananda Mukhopadhyay & Ors.**

....petitioners.

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

...for the State.

1. Heard learned Counsel for both the parties.
2. Perused the materials placed before us including the statement of the victim recorded under Section 164 Cr.P.C. From the statement of the victim it is clearly made out that the entire occurrence happened inside the house, which is not a public place.
3. Regard being had to such facts, we are of the view that no offence under Section 3 of S.C. & S.T. Prevention of Atrocities Act has *prima facie* being committed.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 3601 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

