

18.10.2023  
Sl. No.20  
**akd**  
[ALLOWED]

**C. R. A. (DB) 320 of 2023**

In Re: An appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 filed on 03.10.2023 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 8/9 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: ***Md. Irshad @ Tipu @ Md. Ershad Khan***  
... .. Appellant

Mr. Anand Kesari  
Ms. Sutapa Ghosh (Bose)  
... .. for the appellants

Mr. Sudip Ghosh  
Mr. Saryati Datta  
... .. for the State

1. Appeal is directed against the order rejecting bail to the appellant.
2. It is submitted on behalf of the appellant that he is in custody for about 59 days. Co-accused have been enlarged on bail. Investigation is complete. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the prayer for bail and submits appellant was a member of the group who indulged in rioting.
4. We have considered the materials on record. A riot broke out between two communities. Though police personnel were injured, no member of the community was injured. Presently the law and order situation has normalised. Allegations against the appellant are general and omnibus. Co-accused similarly circumstanced with the appellant have been enlarged on bail.
5. Under such circumstances and in view of the period of detention suffered by the appellant, we are of the opinion further detention of

the appellant is not necessary and he may be enlarged on bail however, subject to strict conditions.

6. Therefore, the appellant, namely ***Md. Irshad @ Tipu @ Md. Ershad Khan***, be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty-five thousand only), 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 appellant 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 appellant, 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 he 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 he shall presently reside once in a week until further orders.
7. 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.
8. The appeal is accordingly, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**