

19.10.2023

SL. 9

Court No. 29

Suvayan/

Sourav

**C.R.M. (A) 4711 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Naihati** Police Station Case No. **224 of 2023** dated **14.07.2023** under Section **3(1)(f)(g)** of the SC & ST Act.

And

In the matter of: **Ganga Koiri & Anr.**

....petitioners.

Mr. Pawan Kr. Gupta

Ms. Sofia Nesar

Mr. Santanu Sett

...for the petitioners.

Mr. Anwar Hossain

Mr. Arif Ikbal Molla

...for the State.

1. Heard learned Counsel for the parties.
2. In the light of the order passed by us in Sudip Mondal & Ors.  
Vs. The State of West Bengal & Anr. [CRM(A) 2859 of 2023]  
disposed of today i.e. 19.10.2023, while not entertaining the  
prayer for anticipatory bail, the present petition is disposed of  
with the following observations –

The petitioners shall surrender before the learned Additional Sessions Judge cum learned Judge, Special Court, under SC & ST Act, Barasat, North 24 Pgs. within 15 (fifteen) days from the date of reopening of the court after Puja Vacation. Seven days before the petitioners surrender before the said Court the petitioners' counsel, shall serve a copy of the bail application or such number of copies of the bail application as instructed by learned Public Prosecutor/Special Public Prosecutor on the learned Public Prosecutor/Special Public Prosecutor for the purpose of notice to the victim or his/her dependent.

3. Taking into consideration the nature of the offence as alleged against the petitioners, we direct that the petitioners shall be released on interim bail by the learned Additional Sessions Judge cum learned Judge, Special Court, under SC & ST Act, Barasat, North 24 Pgs. on the same day the petitioners surrenders in the Special Case arising out of the aforesaid case on such terms and conditions as he deems just and proper pending disposal of the bail application, on merit, at the time of final hearing of the case, including the following conditions :-
- (i) the petitioners shall appear in person before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the learned Special Judge lifting, modifying or relaxing the condition
  - (ii) the petitioners shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and
  - (iii) the petitioners shall not involve themselves in similar or any other offence during currency of this order.
4. At the time of the disposal of the bail application, the petitioners' submissions to the effect that they also belongs to the S.C. community, if canvassed, shall be taken into consideration in accordance with law.

5. The application being **CRM (A) 4711 of 2023** is disposed of.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

