

18.12.2023.
52.
Ct.No.28.
as
(Allowed)

C.R.A. (DB) 365 of 2023

In Re:- An appeal under Section 14A(2) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 in connection with Nandakumar P. S. Case No.0152 of 2023 dated 09.05.2023 under Sections 323/376/417/506 of the Indian Penal Code and charge sheet submitted under Sections 417/376 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In the matter of : **Sukesh Mishra.**

.... Appellant.

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh.

...for the Appellant.

Mr. Ranabir Roy Chowdhury,
Ms. Ayantika Ray.

...for the State.

Mr. Amitava Karmakar.

...for the de-facto complainant.

1. Appellant submits there was free mixing between the petitioner and the victim lady. FIR was registered 15 years after the incident. Investigation is complete. He prays for bail.
2. Learned Advocate for State produces the Case Diary.
3. Learned Advocate for de-facto complainant contends investigation is complete and his client does not opposes the bail prayer.
4. We have considered the materials on record. It is contended there was free mixing between the parties. There is considerable delay in lodging the FIR. Investigation is complete.
5. Under such circumstances, we are not inclined to grant bail to the appellant.

6. Accordingly, the appellant viz., **Sukesh Mishra** 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, 1st Court, Tamluk, Purba Medinipur 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.

10. In the event the petitioner 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.

11. The appeal is accordingly disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)