

14.03.2024
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allowed

CRA(DB) No. 40 of 2024

In Re:- An application under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in connection with Md. Bazar Police Station Case No. 199 of 2023 dated 06.07.2023 under Sections 143/448/302/354/506 of the Indian Penal Code and under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and subsequently charge-sheet submitted under Sections 302/506/34 of the Indian Penal Code and under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

And
In Re : Pradip Mahara @ Prodip Mahara petitioner

Mr. Sujoy Sarkar
Mr. Rahul Chachan
....for the petitioner

Ms. Faria Hossain
Mr. S. Kundu
.... for the State

Mr. Soumyajit Das Mahapatra
Mr. Kunal Ganguly
Mr. Koustav Banerjee
.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 242 days. He prays for bail.

2. Learned Counsel for the State produces the Case Diary and submits further investigation is in progress.

3. Learned Counsel for the de facto complainant submits investigation was conducted in an improper manner. Real offenders were screened. Presently further investigation is in progress.

4. We have considered the materials on record. Statements of witnesses recorded before the learned Magistrate do not implicate the petitioner. De facto complainant contends investigation was not conducted in an unfair manner and real offenders have been screened. In light of the aforesaid submission direction for further investigation was passed. Further investigation has not revealed any incriminating material against the petitioner. Under such circumstances, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner 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 Atrocity Act, 1st Court, Suri, Birbhum subject to conditions that petitioner 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.

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

7. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)