

10.09.2024
Sr. No. 33
Ct. No. 6.
AB
(Allowed)

C.R.A. (DB) 244 of 2024

In Re: An Appeal under Section 14A of the SC and ST (Prevention of Atrocities) Act 1989 in connection with Duttapukur Police Station Case No.449 of 2024 Dated 8.6.2024 under Sections 498A/406 of the Indian Penal Code read with Sections 3/4 of the DP Act and Sections 3/7 of the SC and ST (Prevention of Atrocities) Act 1989

In the matter of : **Amlan Ghosh & Anr.**

....Appellants.

Md. Shamimuddin,
Sk. Samiul Haque,
Mr. Subhankar Halder,
Mr. Raunak Shaw ...For the Appellants.

Mr. Sujay Sarkar ...For the State.

Md. Y. Mondal For the Defacto complainant.

1. Heard learned Counsel for the appellants as well as the learned Counsel for the State and defacto complainant.
2. Learned Counsel for the appellants contends that the allegations involving caste aspersions are false. Victim lady was treated with love and affection and participated in all socio-religious activities including visiting the temple. They are in custody for 37 days. Accordingly, they pray for bail.
3. Learned lawyer for the State opposes the prayer for bail.
4. Learned lawyer for the defacto complainant submits all the streedhan articles have not been recovered.

5. We have considered the material on record. It is alleged that the victim, who belongs to a Scheduled Caste, was abused taking her caste name. Credibility of such statements require to be assessed during trial. Photographs have been placed on record to improbabilize the allegation that the victim was not permitted to enter the temple. Pursuant to search, streedhan articles have been recovered though it is contended by the complainant that the entire streedhan has not yet been recovered.
6. In view of the fact that investigation has substantially progressed and the period of detention suffered by the appellants, we are of the opinion further custodial detention of the appellants for progress of investigation is not necessary.
7. Accordingly, the appellants, namely, **Amlan Ghosh and Poli Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/-each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24 Parganas at Barasat, subject to condition that they 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 or commit similar offences in future.
8. In the event appellants fail to appear before the trial court without any justifiable cause, the trial court shall

be at liberty to cancel their bail in accordance with law without further reference to this Court.

9. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)