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30-09-2024
(ct. no.28)
KOLE
Allowed

CRA (DB) 274 of 2024

In re: An appeal under Section 14(A)(2) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act in connection with **Mururai Police Station Case No. 89 of 2024** dated **08.06.2024** under Sections **376(2)(e)/506** of the Indian Penal Code read with Section 3(2)(v) of the Schedule Caste and Schedule Tribe (POA) Act.
- A n d -

In the matter of : Md. Sahabul Sha Mondal @ Raj

.... Petitioner.

Mr. Bitoshok Banerjee,

... For the Petitioner.

Ms. Amita Gour,

Ms. Suveni Banerjee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed in court today be kept with the records.
2. In spite of service, nobody appears for the victim lady.
3. The petitioner says that he has been falsely implicated. The conduct of the victim lady, 33 years old, would show that a false case has been lodged against the petitioner. Investigation is complete. He prays for bail.
4. While opposing the prayer for bail, learned State Advocate draws our attention to the statement of the victim lady and other materials in the case diary.
5. *Prima facie*, we do not find such material in the case diary as would justify continued detention of the petitioner in judicial custody. Moreover, the victim lady refused medical examination.
6. Hence, we are inclined to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Md. Sahabul Sha Mondal @ Raj**, 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 the Atrocity Act, 1st Court, Suri, Birbhum subject to condition that he shall appear before the trial court on each and 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 petitioner while on bail shall not leave the concerned police station and shall meet the officer in charge of the concerned Police Station once in a fortnight until further orders.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

9. CRA (DB) 274 of 2024 is, thus, disposed of.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**