

25. 07.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRA (DB) 287 of 2024

In Re: - An application for bail under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, in connection with **All Women Jhargram** Police Station Case **No.99/2019** dated **19.12.2019** under Sections **417/376/120B/420/406** of the Indian Penal Code. Charge-sheet submitted under Sections **376/417/120B/420/406** of the Indian Penal Code adding Sections **2(l)(r)(s)** of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

And

In the matter of: - **Riyaz Ahmed Raina @ Sahil Riju Raina**

...appellant.

Mr. Soumyajit Das Mahapatra
Mr. Madhurai Sinha

...for the appellant.

Mr. Anwar Hossain
Ms. Baishakhi Chatterjee

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the appellant submits that the appellant is in custody for about 62 days. Investigation is complete. The victim lady was aged about 32 years at the relevant point of time and there was a relationship on the basis of consent of two major human beings. The appellant prays for bail on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail. According to him, the appellant also cheated the victim lady not only by assuring her to marry her but also took more than Rs.5 lakh from her custody on different pretexts. If the

appellant is enlarged on bail, he being a resident of Kashmir, may abscond.

3. We have considered the materials on record including the case diary and we find that investigation is complete and there was a consensual relationship between the two major persons.
4. In view of the above, we are inclined to allow the appellant's prayer for bail.
5. Accordingly, we direct that the appellant, namely, **Riyaz Ahmed Raina @ Sahil Riju Raina** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court & Judge, Special Court (SC/ST/POA Act), Jhargram OR the learned Chief Judicial Magistrate, Jhargram, subject to condition that the appellant shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the appellant, while on bail, shall not leave the Municipal Limits of Kolkata without leave of the learned Trial Court and shall furnish his present address, where he will be residing, to the Officer-in-Charge, Jhargram Police Station and shall also meet the Inspector-in-Charge/Officer-in-Charge of the

jurisdictional Police Station, where he will be presently residing, once in a week until further orders but the appellant shall not enter the territorial jurisdiction of Jhargram Police Station except for the purpose of attending Court proceeding.

6. In the event the appellant fails to adhere to any of the conditions stipulated above 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.
7. The application for bail being CRA (DB) 287 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)