

30.01.2024
Sl. No.14
akd

C. R. A. (DB) 360 of 2023

In Re: An appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 filed on 20.11.2023 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 Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re: ***Dhananjay Mahara @ Buro @ Dhananjoy Mahara***
... .. Appellant

Mr. Arnab Chatterjee
Mr. Sujoy Sarkar
Ms. Dhanasree Biswas

... .. for the appellant

Mr. Kunal Ganguly

... .. for the de-facto complainant

Ms. Anasuya Sinha
Mr. Arindam Sen

... .. for the State

1. It was submitted on behalf of the appellant that he was a victim of political rivalry. He was falsely implicated in the instant case whereas the real offenders had been screened. Accordingly, he prayed for bail.
2. The aforesaid submissions were supported by the learned Advocate for the wife of the victim i.e. the de-facto complainant in the instant case.
3. Under such circumstances, we directed further investigation through a superior officer. In course of further investigation, statement of the de-facto complainant was recorded under Section 164 of the Code of Criminal Procedure.
4. We have perused the statement of the said witness. She does not implicate the appellant in the crime but has named the other accused persons who were discharged in the earlier police report.

5. In view of the aforesaid facts and the extent of complicity of the appellant in the alleged crime, we confirm the interim bail granted to him vide order dated 18.12.2023 on the same terms and conditions.
6. The application for bail is thus disposed of.
7. We direct the superior police officer to conduct further investigation in a fair and impartial manner and upon conclusion of further investigation submit supplementary charge sheet against those accused persons against whom evidence has transpired in course of such investigation.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)