

16.05.2024

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRA (DB-B) No. 1 of 2024

In Re:- An appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

And

In Re : Bablu Rahaman appellant

Mr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Mr. Bikash Singha
Ms. Riya Agarwal

.... for the appellant

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Ujjwal Luksom
Mr. Aniruddha Biswas

.... for the State

1. Learned Counsel for the appellant submits he is in custody for more than four months. Affidavit-of-service filed by him is placed on record. He prays for bail.

2. Inspite of service nobody appears for the victim.

3. Heard the learned Counsels for the parties.

4. We have considered the materials on record including the medical report. Medical report shows victim was nine weeks pregnant as on 09.05.2024. However, it is alleged that the victim was raped by the appellant in January and April, 2023. As per medical report alleged pregnancy ought to relate a sexual encounter in March, 2023. However, victim submits she had been raped firstly in January, 2023 and thereafter in April,

2023. Medical opinion does not corroborate the genesis of the incident as narrated in the statement of the victim. With regard to the incident in January, 2023 she did not bring the matter to the notice of her parents. She submits she had been threatened. Appellant is in custody for more than four months. Under such circumstances, we are inclined to grant bail to the appellant.

5. Accordingly, we direct that the appellant 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 S.C.S.T. Act-cum-learned Additional Sessions Judge, 1st court, Jalpaiguri, subject to condition that appellant 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 appellant fails to appear before the trial court 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 appeal is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)