

18.07.2025

Item No.5
Court No. 25
Sudipta

CRM (A) 2039 of 2025

In Re: An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Hemtabad Police Station Case No. 316 of 2024 dated December 4, 2024** under Sections **126 (2) / 115 (2) / 117 (2) / 109 (1) / 351 (3) / 3(5) of BNS, 2023 read with Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.**

And

In Re : **Boni Chowdhury alias Sahariar Zilani Choudhary**

.....Petitioner

For the Petitioners :

Mr. Pawan Kr. Gupta

Mr. Abrajit Roy Chowdhury

Ms. Sofia Nesar

.....Advocates

For the State :

Ms. Sonali Das

Ms. Ratna Ghosh

.....Advocates

1. Learned counsel for the petitioner submits that in the FIR the specific allegation is only against accused No. 1, Mojibur Rahaman @ Dulal. Learned counsel submits that no specific role has been attributed to the present petitioner. Learned counsel submits that in fact there is no material on record to attribute the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel submits that since the provisions of the SC and ST Act itself is not attributed, Section 18 of the Act will not apply. Reliance has been placed upon the decision of

Prathvi Raj Chauhan Vs. Union of India & Ors. reported in ***(2020) 4 SCC 727.***

2. Learned counsel for the State has produced the translated copy of the FIR and the statement record under Section 164 of the Cr.P.C. The injury report also indicates that the injuries were simple in nature.
3. Perusal of the FIR indicates that the specific allegation is only against accused No.1, Mojibur Rahaman. In the statement under Section 164 Cr.P.C., the de facto complainant has taken a somersault and stated that no one abused anyone nor did they say about their castes.
4. The Division Bench of this Court in CRM (A) 4711 of 2023, vide order dated 19th October, 2023, while placing reliance upon **Sudip Mondal & Ors. Vs. The State of West Bengal & Anr. [CRM (A) 2859 of 2023] dated 19th October, 2023,** directed that the petitioner on being surrendered before the learned Additional Sessions Judge cum Learned Judge, Special Court, under SC & ST Act, he may be released on interim bail on the terms and conditions to be imposed by the learned Trial Court.
5. Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation. It is pertinent to mention here that the case referred hereinabove also pertains to SC & ST Act.
6. In the circumstances, let the petitioner appear before the Learned Additional Sessions Judge cum Learned Judge, Special Court.

7. Learned Special Court may release the petitioner on interim bail on such terms and conditions as he deems just and proper pending disposal of the bail application, on merit, subject to the following conditions:-

- (i) The petitioner shall appear in person before the I.O. once in a week on the day and time fixed by the said I.O. until further order by the learned Special Judge lifting, modifying or relaxing the condition.
- (ii) The petitioner shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and
- (iii) The petitioner shall not involve himself in similar or any other offence during currency of this order.

8. The application being CRM (A) 2039 of 2025 is disposed of.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)