

13.02.2025
as/tkm/ct 28
sl no.9

C.R.R. 3726 of 2024

In Re : An application under section 528 read with section 442 of the
Bharatiya Nagarik Suraksha Sanhita 2023

And

In Re : Ranjan Singh & Ors. petitioners

Mr. Arindam Jana
Mr. Apurba Chakraborty
Mr. A Sengupta

..... for the petitioners

1. Petitioners pray for quashing of the impugned proceeding being Special Trial case no. 23 of 2023 arising out of Garhbeta PS case no. 101 of 2023 dated 8.2.2023 under section 3(v)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. Petitioners contend there is prior enmity and number of cases are pending by and between the parties. They also submit allegation of abusing opposite party no. 2 by taking caste name is false and actuated with malice. They pray for quashing.

3. I have considered the uncontroverted allegations in the FIR. It is alleged on 22.1.2023 at 10.30 a.m. petitioners and others being variously armed had come to the residence of opposite party no. 2 and abused them saying they are the members of scheduled tribe and that they would be murdered. These averments disclose offence under section 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

4. Accordingly, I am not inclined to quash the proceeding.

5. Petitioners submit they are ready and willing to appear before the trial court and pray for regular bail. Investigation is complete and they had co-operated with investigation.

6. Under such circumstances, I direct the petitioners to appear before the Special Court within two weeks from date and in the event the petitioners do so, the Court shall consider their prayer for regular bail in view of the directions in *Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.*¹ in view of the fact that they had co-operated with investigation and had not been arrested in course of investigation.

7. With these directions application is disposed of.

(Joymalya Bagchi, J.)

¹ (2022) 10 SCC 51