

17.02.2025
tkm/ct 28
sl no.24

C.R.R. 3843 of 2024

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

And

In Re : Law Kumar Rai @ Lab Kumar Roy & Ors. petitioners

Mr. Sabyasachi Chatterjee

Mr. Pintu Karar

Mr. Sourav Roy

..... for the petitioners

1. Petitioners pray for quashing of the impugned proceeding being Special Case no 93/2024 arising out of Sankrail PS case no. 380 of 2024 dated 23.5.2024 under section 506 IPC read with section 3(2)(v)(a)(r) of the SC and ST (POA) Act pending before the learned Additional District Judge (1st Court), Special Court, Howrah on the ground that the uncontroverted allegations do not disclose the alleged offence.

2. In the FIR it is alleged petitioners used to keep cows and bullocks in a cowshed adjoining to the opposite party's property. Petitioners used to illegally trespass on the latter's land. On 21.5.2024 in violation of the order passed under section 144 Cr.P.C they brought their cow/bullocks onto the land. At 1 p.m. when opposite party's daughter protested, petitioner no. 2 abused her stating that he would cause so much harm to her that she would not able to show her face out of shame. He also state that she belonged to low caste and should remain in her position. He threatened opposite party's son that he would be murdered. These imputations show opposite party's daughter who is a member of the schedule caste had been abused in reference to her caste.

Hence, alleged offences are disclosed and I do not wish to interfere with the impugned investigation.

3. Petitioners offer to co-operate with investigation and appear before the trial court and pray for regular bail.

4. Mr. Bhattacherya is requested to appear on behalf of the State.

5. Copy of the petition is served upon him.

6. In the event the petitioners co-operate with investigation and appear before the jurisdictional court within seven days from date the special court shall consider their bail application in light of their conduct in accordance with law.

(Joymalya Bagchi, J.)