

06.03.2025

DL-40

Court No.26

CRA (DB) 380 of 2024

*(Bail **rejected**)*

(AD)

In re : An Appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Barrackpore** Police Station FIR No.**86** of **2023** dated **20.06.2023** under Section **306** of the Indian Penal Code, 1860 and under Sections **3(1)(r)(s)/3(i)(s)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending before the Court of Learned 1st Additional District and Special Judge, SC/ST(POA) Act at Barasat, North 24 Parganas. (SPL 61 of 2023)

-And-

In the matter of : Sri Koushik Sarbadhikary

... ...Appellant

Mr. Radhamohan Ray, Advocate

... for the appellant

Mr. Ranabir Roychowdhury, Ld. APP

Ms. Sima Biswas, Advocate

... for the State

Mr. Soubhik Mitter, Advocate

Mr. Liton Maitra, Advocate

Ms. Rajnandini Das, Advocate

... for the de facto complainant.

1. Appellant prays for bail.
2. Learned Advocate appearing for the appellant submits that, the appellant is in custody in excess of 600 days. The victim was a patient suffering from depression. He contends that, the victim was in multiple relationships.
3. State and the de facto complainant are represented.
4. Learned Advocate appearing for the State submits that, out of 12 prosecution witnesses, one was examined in full. The examination of the second prosecution witness is underway.

5. Learned Advocate appearing for the de facto complainant submits that, police added Section 302 of the Indian Penal Code, 1860 after a Court monitored investigation. He refers to the orders passed by the Writ Court from time to time. He draws the attention of the Court to the charge sheet as also to the post-mortem report and submits that, the victim suffered 14 injuries.
6. Apparently, there was a relationship between the appellant and the victim.
7. There were multiple injuries found on the dead body of the victim. Defence injuries were found on the body indicating attempt to defend assault. Injuries found were painful in nature largely ruling out self infliction. Body was found hanging with feet touching the base. Door of the room was found closed from outside. Incident occurred at the house of the appellant. These findings along with other, while framing a charge under Section 302 of the Indian Penal Code by the jurisdictional Court on November 14, 2024 is yet to be established as perverse.
8. In a writ petition, the Writ Court intervened to monitor the investigations.
9. Appellant stands implicated in murder. Trial is in progress.
10. Enlarging the appellant on bail at this stage, may not be conducive for a free and fair trial. The same not send a correct signal to the society particularly when after a Court monitored investigation a charge under Section 302 of the Indian Penal Code was framed.

11. In such circumstances, we are not inclined to grant bail to the appellant.
12. Accordingly, the prayer for bail of the appellant is rejected.
13. **CRA (DB) 380 of 2024 is dismissed.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)