

Spl (SC & ST) no. 15 of 2024
CNR-WBBD01-002599-2024
JO-WB00702

Order no. 11 dated 08/01/2025

This day is fixed for appearance of the de facto complainant namely Puja Das and hearing of bail petition .

Copy served upon the de facto complainant. One hazira is filed on behalf of the de facto complainant along with a vakalatanama. The de facto complainant namely, Puja Das is present before this court. Let the vakalatnama be kept with the record.

The accused person namely, Ratan Bairagya surrendered before this court. The surrender of the accused person is hereby accepted. He is taken into custody and remanded to J.C. .

One bail petition has been filed by the Ld. Advocate on the behalf of the above named accused person wherein he prayed for enlarging the accused person on bail on the grounds stated therein.

The bail petition is taken up for hearing.

Perused the bail petition along with the materials on record and CD.

Heard Ld. Advocate for the accused person and Ld. Special P.P. as well as Ld. Advocate for the the de facto complainant. I also heard the de facto complainant on dock.

Ld. Advocate for the accused person very candidly submitted that the accused person has been falsely entangled in this case. Ld. Advocate also contended that series of criminal cases have been filed against the accused person by the de facto complainant. He finally submitted that in this case charge sheet has already been submitted against the accused person and also submitted that when the charge sheet has been filed after completion of the investigation there is no chance to tamper with the prosecution evidence and accordingly, prayed for releasing the accused person on bail by imposing any condition upon him.

On the other hand, Ld. Special P.P. raised formal objection against instant bail prayer and accordingly, prayed for its rejection.

Ld. Advocate for the de facto complainant submitted that after filing of the instant case the accused person threatened the de facto complainant and her husband for withdrawal of the instant case and for that reason she narrated the entire incident before the Superintendent of Police, Purba Bardhaman and accordingly, prayed for rejection of the bail prayer.

After completion of said submission made by the Ld. Advocate for the de facto complainant, the Ld. Advocate for the accused person submitted that mere filing of a complaint before the Superintendent of Police, Purba Bardhaman does not if-so-facto make the accused liable regarding the alleged threatening to the de facto complainant and her husband. On the contrary, he submitted that the accused did no act to influence the de facto complainant or make any fear for withdrawal of the instant case.

Considering the rival submissions of both the Ld. Advocates and on perusal of the record, it reveals that after completion of investigation, the charge sheet has been submitted against the accused persons by the IO of this case u/s 341/323/506 IPC read with Sec 3(c) of SC & ST (POA) Act, 1989 on 28/07/2024. In this case when the CS has already been submitted, it negates the fact of tampering with the prosecution evidence and witnesses. There is no prayer of custodial interrogation of the accused person and as such, I find no justifiable ground and to detain the accused person in this case is unwarranted.

It is also pertinent to mention here that no inquiry report has been received by this court till date regarding the allegation made by the de facto complainant.

I do not find any materials in the CD which appears to be credible for further detention of the accused person and to curtail his liberty of the accused person as engrafted under Article 21 of constitution. Not only that in view of the above circumstances and considering the matter in its entirety, the interest of justice and keeping in mind the decision of the Hon'ble Apex Court reported in **Satender Kumar Antil -VS- CBI & another (2022)**

live law Supreme Court 577 and keeping in mind the letter and spirit of the decisions of the Hon'ble Apex Court , I find no justifiable reason to incarcerate the accused person behind the bar.

Accordingly, the bail prayer of the accused person is hereby allowed. Accused person, namely, Ratan Bairagya may find bail of Rs.6,000/- with two (2) registered sureties of Rs. 3,000/- each and on conditions that (1) he shall engaged in no act adverse to the prosecution, (2) he shall not leave the jurisdiction of the court without prior permission, (3) he shall not tamper with or prevail upon the prosecution witnesses or to put any fear upon the alleged victim/de facto complainant and other witnesses in this case in any manner and if, the conditions so imposed by this court would be violated by the accused person, the liberty so granted to him may automatically be cancelled, subject to the satisfaction of Ld. C.J.M. Purba Bardhaman I/d to J/C.

Return CD.

If, on bail, fix 23/04/2025 for appearance of the accused person and supply of copy.

Let a copy of this order be sent to the Ld. C.J.M.,Purba Bardhaman with a request to accept the bail bond and after accepting bail bond issue release order and return the same to this Court for keeping the same for future reference.

Dictated & Corrected.

Sd/-

Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.

sd/-

Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.