

**Special Case No.40 of 2024**  
**CNR No. WBHW01-000970-2024**

**Present : Sri Plaban Mukherjee ( J.O Code : WB01427 )**

Order No. 02

Dated : 19.03.2024

The case record is placed before this Court today on the strength of a put up petition, filed on behalf of the accused/petitioner, namely, Alope Sribastab @ Alok Kumar Srivastava with a prayer for surrendering the accused person along with his photostat copy of Aadhaar card.

Ld. Advocate Debaditya Mukherjee files vokalatnama for the accused petitioner.

Copy served upon the Ld. Special PP.

Ld. Special PP is present with C.D.

Heard. Considered.

Prayer for putting up the case record is allowed.

The accused/petitioner is permitted to surrender before this Court.

The sole accused petitioner surrenders before this Court and he is taken into custody and remanded to J.C till 22/03/2024.

At this stage, Ld. Advocate of the accused person files a bail petition in respect of the accused person, supported by an affidavit and submitted that he has served copy of the bail petition upon the Ld. Special PP on 11/03/2024 with prior intimation that he intends to surrender the accused person before this Court on 19/03/2024.

Ld. Special PP, Howrah submitted that presence of the de facto complainant at the time of hearing of the bail application is necessary in view of Section 15A(4) of the S.C & S.T (POA) Act and in compliance of that provision, he has served notice upon the de facto complainant and in support of his submission, he has filed the print out of the service return, which indicates service of notice upon the de facto complainant.

Ld. Advocate for the accused petitioners referred Para – 8 of solemn judgment dated 19/10/2023 of the Hon'ble High Court at Calcutta, passed in CRM(A) 2859 of 2023 and submitted that there is no impediment in hearing the bail application at this stage.

Perused the solemn judgment referred by the Ld. Advocate and considering the same, I am of the view that at this stage, the bail petition should be taken up for hearing and accordingly, the bail petition praying for bail is taken up for hearing.

Ld. Advocate for the accused petitioner submitted that he has been falsely implicated in this case and that he has still not been served with the notice u/s 41A Cr.P.C in compliance with the direction of the Hon'ble Apex Court. It is further submitted that the present case is under section 341/323/506 IPC and section 3(1)(r)(s) of the S.C & S.T (POA), Act, which was initiated on 22/02/2024.

Ld. Special PP raised objection.

Perused the bail petition, the case record and the C.D and comparing the same with the statement of witnesses, it appears that the present case relates to offences under section 341/323/506 IPC and section 3(1)(r)(s) of the S.C & S.T (POA), Act and the prescribed punishment for each offence is less than seven years.

In view of the above and relying on the principle laid down by the Hon'ble High Court at Calcutta in the above referred solemn judgment and considering the materials in the C.D, I am inclined to release the accused person on interim bail.

Hence, it is

**ORDERED**

that the sole accused/ petitioner, namely, Alope Sribastab @ Alok Kumar Srivastava may find an interim bail of Rs.2,000/- with two sureties of Rs.1,000/- each, subject to the satisfaction of Ld. C.J.M, Howrah i.d. to J/C with a further condition that the accused petitioner shall not intimidate any witness or tamper with the evidence of this case.

If on bail, to 08.04.2024 for appearance of the accused person.

Let a copy of this order be sent to Ld. C.J.M., Howrah for information.

To date i.e. 08.04.2024 for appearance of the above stated accused person and for police report.

Dictated & Corrected by me.

Judge, Special Court  
on S.C & S.T Act, Howrah.

Judge, Special Court  
on S.C & S.T Act, Howrah