

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. 15/2024

Sahajan Miah for and on behalf of accused Md. Raju Miah

....Applicant(s)

Versus

The State of Tripura

....Respondent(s)

For Applicant(s) : Mr. P. Sen Choudhury, Advocate

For Respondent(s) : Mr. S. Ghosh, Addl. P.P.

HON'BLE MR. JUSTICE ARINDAM LODH
Order

01/04/2024

Heard Mr. P. Sen Choudhury, learned counsel appearing for the applicant. Also heard Mr. S. Ghosh, learned Addl. P.P. appearing for the respondent-State.

This is an application filed under Section 439 of Cr.P.C. praying for granting bail to the accused namely, Md. Raju Miah, who was arrested in connection with West Agartala Women Police Station crime No.2018 WAW 005 [S.T. (Type-1) 97 of 2021] for committing offences punishable under Sections 366/376(2)(n) of IPC.

On perusal of the records, it is found that the accused, Md. Raju Miah was granted bail by the learned Judicial Magistrate 1st Class, Agartala, West Tripura vide order dated 12.02.2018. He was arrested on the basis of an F.I.R. lodged by his wife Sayera Begam on the allegation of being involved in physical relation with her without her consent.

Mr. Sen Choudhury, learned counsel for the applicant submits that charge-sheet has already been submitted and dates are fixed for appearance of PWs. The accused, Md. Raju Miah, during the course of trial could not appear before the court of trial due to threat of his life after the General Assembly Election of Tripura Constituency, 2023. Warrant of arrest was issued by the learned trial Court and by its order dated 21.03.2023, the accused accordingly appeared with a bail application. However, learned trial

Court by its order dated 18.03.2024 sent him to judicial custody cancelling the privilege of bail.

Being dissatisfied with the said order of cancellation of bail, the accused, Md. Raju Miah has approached this Court.

I have perused the “Kabinnama” as a proof of solemnization of the marriage of the accused, Md. Raju Miah with the complainant, Sayera Begam. According to the “Kabinnama”, the marriage was solemnized on 10.09.2020.

I have also perused the Birth Certificate, where from it is read that Sahadat Miah, a male child was born out of their wedlock and Sayera Begam appears to be the mother of the said child and the accused, Md. Raju Miah is the father of the said child.

Without entering into the merits of the case, in my opinion, this is a fit case for granting bail to the accused, Md. Raju Miah.

Accordingly, the accused, Md. Raju Miah shall be released on bail on furnishing a bond of Rs.50,000/-(Rupees Fifty thousand) with one surety of like amount to the satisfaction of learned Addl. Sessions Judge, Court No.5, Agartala, West Tripura. However, it is directed that the accused, Md. Raju Miah shall appear before the learned trial Court on each and every dates fixed by the Court as per the calendar prepared by the Court. It is made clear that, if, on any of the dates, Md. Raju Miah fails to appear, then, the learned trial Court shall be at liberty to pass appropriate order in accordance with law.

It is also made clear that this Court has not made any comments on merit of the case, and observations made hereinabove will not affect the trial.

With the aforesaid directions, the instant application for bail stands allowed and disposed of.

JUDGE

Snigdha

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KAR

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