

HIGH COURT OF TRIPURA
AGARTALA

BA 23 of 2024

Jahangir Miah
S/O- Lt. Kanu Miah,
of Sonamura, Udaipur Town, P.S.- R. K. Pur,
Udaipur, Gomati, Tripura.

..... Applicant(s)

Ali Hussein
S/O- Late Rangil Miah of Dataram,
Pati Ram Para, P.S.- R.K. Pur, Gomati, Tripura.

..... Accused in custody since 09.04.2024

Versus

The State of Tripura
Represented by its Secretary, Department of Home,
New Capital Complex, Agartala, Pin-799010

....Respondent(s)

For the Applicant(s)	:	Mr. Saugat Datta, Advocate
For the Respondent(s)	:	Mr. S. Ghosh, Addl. P.P

HON'BLE MR. JUSTICE ARINDAM LODH

Order

14/05/2024

This is a bail application filed by the applicant under Section 439 of Cr.P.C. praying for bail of the accused, namely, Ali Hussein, who has been in custody since 09.04.2024 in connection with Women R.K. Pur P.S. Case No.16/2024 dated 08.04.2024 registered under Sections 376(2)(n)/506/417 of IPC.

Heard Mr. Saugat Datta, learned counsel appearing for the accused- Ali Hussein. Also heard Mr. S. Ghosh, learned Addl. P.P appearing for the State-respondent.

The Officer-In-Charge of Women R. K. Pur Police Station had registered an FIR on 08.04.2024 on receipt of the complaint filed by one woman alleging, *inter alia* that her husband used to reside in Kuwait for the last 15 years and during his absence the accused used to visit her house and allured her to develop physical relationship with him. Initially she raised objection, but the accused threatened her that if she did not agree to develop

the physical relationship with him, then, he would kill her children. Out of fear, the complainant developed physical relationship with the accused. It is also alleged that the accused had developed physical relationship with the complainant saying that he would marry her, but she came to learn that the accused had married another lady and thus cheated her. On the basis of the aforesaid complaint, an investigation is going on.

During the course of investigation, the accused has been arrested. He prayed for granting bail to the court of Addl. Sessions Judge, Gomati Judicial District, Udaipur when the learned Judge vide order dated 30.04.2024 had refused the prayer for granting bail to the accused. Hence, this application before this Court under Section 439 of Criminal Procedure Code, 1973.

Mr. Datta, learned counsel appearing for the accused has submitted that the entire story as alleged by the complainant is fabricated and concocted. The accused is totally innocent and he never allured or forced the complainant to develop physical relationship with him.

On the other hand, Mr. Ghosh, learned Addl. P.P producing the case diary has submitted that the investigation is still undergoing. As such, at this stage, bail may not be granted to the accused.

I have considered the submissions advanced by learned counsel appearing for the parties and have also perused the case diary.

In my opinion, it is a fit case for granting bail to the accused. It appears from the complaint itself that from the last 15 years the accused and the complainant have been under physical relationship. The complainant had never raised any objection or had never lodged any complaint in the appropriate legal authority alleging that the accused was alluring her to develop physical relationship or forced her to do such thing with him. The complainant also had never lodged any complaint that the accused had threatened the complainant that if she did not agree to develop physical relationship with him, then her children would be in danger.

For the reason stated above, in my opinion, the accused should be released on bail. Accordingly, it is ordered that the accused, namely Ali Hussein is directed to be released on bail on furnishing a bail bond of Rs.25,000/- (Rupees twenty five thousand) with one surety of like amount to

the satisfaction of learned Elaka Magistrate, Gomati Judicial District, Udaipur.

Resultantly, the bail application stands allowed and disposed.

JUDGE

SAIKAT
KAR Digitally signed
by SAIKAT KAR
Date: 2024.05.14
17:05:33 +05'30'
Rohit

