

CRM 6176 of 2020
CRAN 1 of 2020 (Old No. CRAN 4685 of 2020)
(Via Video Conference)

G.S.Das

Ct.No.16

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dinhata Women Police Station Case No. 42 of 2020 dated 25.6.2020 under Section 498/363/365/342/376/506/109 of the Indian Penal Code.

And

In the matter of: Jahangir Haque @ Miah

....petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Tapan Bhattacharjee
Mr. Biswarup Roy

... for the State

The petitioner undertakes to affirm and appropriately stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the defacto-complainant, who is married and has a daughter through such marriage, had a relationship with the petitioner for a considerable period of time and spent a week or so at the petitioner's place, but later returned to her matrimonial home and lodged a complaint at the instance of her husband.

The State places the statement of the alleged survivor under Section 164 of the Code. In such statement the survivor makes out that the petitioner had apparently kidnapped the

survivor's daughter and coerced the survivor to go to the petitioner's home where the daughter could be found. The statement also alleges that the petitioner violated the survivor over the six or seven days when the survivor was confined to the petitioner's house.

However, there does not appear to be any complaint lodged regarding the alleged kidnap or abduction of the daughter of the complainant. The statement does not indicate when the daughter returned home or whether the daughter was released upon the survivor reaching the petitioner's house.

Considering the material, there may not be any further need to detain the petitioner, particularly since the charge-sheet has already been filed.

The petitioner is directed to be enlarged on bail upon furnishing security of Rs.10,000/- with two sureties of equal amount, one of whom must be local, to the satisfaction of the appropriate Court in Cooch Behar.

The petitioner must attend every date fixed for trial and if any unexplained absence occurs, the trial Court will be entitled to cancel the bail without reference to this Court.

CRM 6176 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)

