

12.09.2023

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rejected

C.R.M.(DB) No. 3517 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Junput Coastal Police Station Case No. 60 of 2023 dated 19.06.2023 under Sections 498A/376(2)(n)/323/325/354B/379/494/406/506/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

And

In Re : Nemai @ Nimai Mondal petitioner

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

....for the petitioner

Ms. Zareen N. Khan

Md. Kutubuddin

Mr. Asif Dewan

..... for the State

1. Learned Counsel for the petitioner submits there was matrimonial discord between the de facto complainant and his brother. De facto complainant left the matrimonial home two years ago. Subsequently she lodged a false case implicating the petitioner and other in-laws. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner raped the victim lady. Medical report shows injuries on her body including private parts.

3. We have considered the materials on record. There are allegations of matrimonial discord between the de facto complainant and her husband. While it may be a ground for false implication, aforesaid circumstance may also give motive to commit the crime. Statement of the victim lady alleges rape by the petitioner. Her statement is corroborated by injuries on various

parts of her body including her private parts. Under such circumstances, we do not consider it prudent to enlarge the petitioner on bail.

4. The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)