

12.09.2023
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rejected

C.R.M.(DB) No. 3523 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 34 of 2023 dated 21.01.2023 under Sections 363/365/376(2)(f)/376D/326/328/307/120B of the Indian Penal Code.

And

In Re : Sabir Sk. @ Sahabir @ Sabir Shekh petitioner

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak

....for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 162 days. It is contended that he has been falsely implicated. Co-accused has been granted bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the husband of the victim lady. She stated she was abducted and tortured by the petitioner/husband and other in-laws.

3. We have considered the materials on record. We have examined the statement of the victim and her medical report. Cigarette burn injuries are noted on her hand. She was recovered in naked condition from a far away place. Though complicity of mother-in-law, Manoara Bibi in the crime is speculative, petitioner who is the husband of the victim has been directly implicated in the crime. He

does not stand on the same footing with the said Manoara Bibi who has been released on bail. In view of nature of offence and prima facie involvement of the petitioner, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)