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***Calcutta High Court  
In the Circuit Bench at Jalpaiguri***

**CRM (DB) 77 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Jaigaon Police Station Case No. 253 of 2022 dated 21.10.2022 under Sections 363/354(c) read with Sections 365/376D of the Indian Penal Code.

In the matter of : Alamin Miah

... petitioner

Mr. Sudip Guha

...for the petitioner

Mr. Tapan Bhattacharjee,  
Mr. Kallol Nag

.....for the State

Mr. Arijit Ghosh

...for the defacto complainant

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that there is extreme discrepancy in the chain of events sought to be made out by the prosecution. Whereas the victim wife was allegedly driven out on February 10, 2022 from her matrimonial home, the complaint under Section 498A of the Indian Penal Code was lodged on June 28, 2022. Thereafter, the victim left her paternal home on September 28, 2022 and a missing diary was lodged only on October 12,

2022. Subsequently, the present complaint lodged against the petitioner on October 21, 2022.

Learned counsel appearing for the State as well as the de facto complainant contend that the nature of allegations are serious. Apart from the fact that allegedly the petitioner, who is a cousin of the husband of the victim, abducted the victim lady from a shopping complex, where she was called by the husband on the pretext of reconciliation, it is alleged that the lady found herself in a compromising position when she regained her sense and that she was ravished. It is also alleged that the victim was taken to Bangladesh and could come back only after some days.

Learned counsel for the State, in addition, submits that charge sheet has not yet been submitted and, as such, in the event the petitioner is let loose, the petitioner may seriously influence the investigation. That apart, it is contended by the State that the petitioner also circulated compromising photographs of the victim lady on social media.

Learned counsel appearing for the petitioner, in reply, submits that despite the fact there is also allegation against the husband, the husband has not been implicated in the complaint.

Upon consideration of the submissions of the parties and the materials on record, we are of the opinion that there is sufficient apprehension that in the event the petitioner is

let loose on bail, the petitioner may not only influence investigation but also might circulate other photographs of the victim lady. Since such apprehension cannot be ruled out, we are inclined to dismiss the application for bail.

Accordingly, CRM (DB) 77 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)