

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**17.05.2024
21
as**

WPA (H) 1 of 2024

**Dinensh Sen
Vs.
State of West Bengal & Ors.**

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Rikta Sarkar,
Ms. Sayantani Das.
...for the Appellant.

Mr. Nabankur Paul,
Mr. Pradip Sarkar.
....for the State.

1. Petitioner submits on 15.03.2024 he and his wife went to Ambari outpost. They were detained for a day. Thereafter, petitioner was released on 16.03.2024 but his wife had not been released. He has made representation before the Commissioner of Police but to no avail. Accordingly, he has taken out this application praying for a writ of habeas corpus.

2. Learned Advocate for the State submits report. The same be kept on record. In the report, it is stated on 14.03.2024 wife of the petitioner

had been to Chopra Police Station and lodged written complaint against one Bhim Singha and four others alleging that she had been raped by them. Pursuant to her statement, on 15.03.2024 the accused persons were arrested. On the same day statement of the victim was recorded before Magistrate. In her statement before Magistrate, the victim stated that her husband is an alcoholic and forced her to lodge false complaint. She is presently residing at her parental house.

3. The aforesaid report demonstrates that the victim had not been detained at the police station. On the other hand, she claimed she had been forced to lodge a case against others at the behest of her husband.

4. Accordingly, we are of the opinion no case for issuing a writ of habeas corpus is made out.

5. The application is, thus, dismissed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)