

24.04.2024
SL No.39
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 357 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Women Police Station Case No.88 of 2023, dated 22.08.2023 under Sections 448/376/506/109/354(A) of the Indian Penal Code, 1860.

And

In the matter of : **Jaynal Miah @ Joynal Abedin**

- Petitioner.

Mr. Sandip Guha Roy

... For the Petitioner.

Mr. Ujjwal Luksom,

Ms. Namrata Das

... For the State.

1. The prayer for anticipatory bail was rejected by a Coordinate Bench on 11th December, 2023.
2. The learned Counsel for the petitioner submits that the marriage certificate obtained later would show that the principal accused married to the victim and the petitioner has no role to play. However, from the earlier order of rejection, it appears that the Coordinate Bench has taken into consideration the statement of the victim showing that the present petitioner along with principal accused had trespassed into the house of the victim and had held the hand of the victim while the brother of the present petitioner committed rape.

3. On such consideration, we do not find any reason to grant anticipatory bail to the petitioner.
4. Accordingly, the prayer for anticipatory bail is considered and rejected.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)