

**12.06.2025.
08.
Ct.No.04
as
(Rejected)**

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

C.R.M. (M) 106 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection Dinahata Women P.S. Case No.25 of 2025 dated 18.03.2025 under Sections 69/118(1)/351(2)/64 of Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No.125 of 2025.

In the matter of : **Abdul Mannan Miah @ Manne.**
... Petitioner.

Mr. Sudip Guha.

...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee.

...for the State.

Mr. Sayan Banerjee,
Ms. Rishita Chakraborty.
...for the de-facto complainant.

1. This is an application presented by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection Dinahata Women P.S. Case No.25 of 2025 dated 18.03.2025 under Sections 69/118(1)/351(2)/64 of Bharatiya Nyaya Sanhita, 2023 (in short, BNS) corresponding to G.R. Case No.125 of 2025.

2. Mr. Guha, learned advocate appearing for the petitioner, submits that the charge sheet has already been filed. The petitioner has been in custody for 87 days. He submits that further detention of the petitioner will serve no useful purpose. It is argued that there was a delay in lodging the First Information Report, and no explanation has been provided to justify such delay. Accordingly, he prays that the petitioner be enlarged on bail.

3. Mr. Acharjee, learned advocate representing the State, produces the case diary and opposes the prayer for bail based on the materials available in the case diary.

4. Mr. Banerjee, learned advocate appearing for the de-facto complainant, submits that the accused is an influential political leader in the locality. He produces a copy of the formal FIR and the written complaint, and contends that the petitioner attempted to escape from custody. Following this incident, the police authorities themselves initiated a case, being Dinahata Police Station Case No. 149 of 2025, dated 18.03.2025, against the petitioner.

5. He submits that the present petitioner has been continuously threatening the de-facto complainant to withdraw the case. He further submits that this incident was brought to the notice of a Co-ordinate Bench of this Court by way of a writ petition being WPA 1026 of 2025 (XXX vs. The State of West Bengal & Ors.). He produces certain orders passed in the said writ petition and contends that the Co-ordinate Bench took cognizance of the matter and directed the Superintendent of Police, Cooch Behar, to ensure that the victim is not subjected to any further threat or violence at the hands of the relatives and acquaintances of the accused.

6. Mr. Banerjee also submits that, even while using the telephone facilities available in the correctional home, the accused threatened the victim and her relatives to withdraw the case. He submits that, following this incident, the authorities were compelled to transfer the petitioner from the Sub-Divisional Correctional Home at Dinahata to the District Sadar Correctional Home at Cooch Behar. He further submits that another FIR has been lodged on the allegation that associates of the accused had attacked the victim and

attempted to physically assault her. The documents produced by Mr. Banerjee are taken on record.

7. In reply, Mr. Guha submits that there exists both a case and a counter-case in relation to the subsequent incident. He asserts that, in view of such circumstances, there is no justification for curtailing the liberty of the present petitioner.

8. Mr. Banerjee points out that a Co-ordinate Bench of this Court has granted an interim stay of all proceedings or further proceedings, in the case that was registered pursuant to the complaint lodged on behalf of the accused against the victim.

9. Heard the learned Advocates appearing for the respective parties and perused the materials on record, including the case diary.

10. Edmund Burke, while discussing the concept of liberty, opined that it is regulated freedom. It is a well-established principle that liberty does not exist in the realm of absolutism; rather, it is subject to reasonable restrictions. The collective cry for justice, the public's desire for peace and harmony, and the societal need for security cannot be trivialised. The life of an individual in a society governed by the rule of law must be regulated to ensure the rights of all. Individual liberty, though fundamental, cannot be accentuated or elevated to such a high pedestal that it leads to anarchy or social disorder. In an organised society, the concept of liberty necessarily entails a duty of responsibility, requiring individuals not to disturb the tranquility and safety that every law-abiding citizen rightfully expects. A useful reference may be made to the decision, reported in AIR 2021 SC 4017 (Harjit Singh vs. Inderpreet Singh). Therefore, one cannot claim liberty as an absolute right. It is always subject to the

due process of law and may be curtailed in accordance with legal procedures.

11. It must be borne in mind that bail cannot be granted as a matter of course or merely upon asking. While considering a bail application, the Court is required to take into account several relevant factors, including the gravity of the charge or the nature of the accusation, the severity of the punishment that may follow upon conviction, the nature of the evidence supporting the accusation, the likelihood of the accused absconding if released on bail, the possibility of the prosecution witnesses being tampered with, the protracted nature of the trial, the period of detention already undergone by the accused, and the character, means, and social standing of the accused etc. Although a detailed discussion on the merits of the case is not expected at the stage of bail, the Court must give reasons for either granting or refusing the prayer for bail.

12. In the present case, the petitioner has been arrested and kept in custody in connection with an offence involving the alleged commission of aggravated sexual assault on a woman, who was allured and persuaded to go to a certain place at the behest of the accused on the pretext that a suitable job would be arranged for her in exchange for a certain amount of money. The allegation is that, taking advantage of the situation and isolating the victim in a secluded place, she was ravished. This allegation gave rise to the present case, and the petitioner, who is allegedly an influential political leader of the locality, has been arrested. As observed earlier, at the time of deciding whether it would be appropriate to enlarge an accused person on bail, the Court considers whether the accused is likely to tamper with evidence or intimidate witnesses.

13. In the present case, based on a complaint that the accused attempted to escape from police custody, a case has been registered. As noted earlier, a Co-ordinate Bench of this Court has taken judicial notice of the allegation made by the victim that, following his arrest, the petitioner has been continuously threatening her to withdraw the case. As observed previously, taking judicial notice of this complaint, the Co-ordinate Bench directed the Superintendent of Police, Cooch Behar, to ensure that the victim is not subjected to any further threats or acts of violence at the hands of the relatives and acquaintances of the accused. The use of the word “further” in the order passed in that writ petition indicates that the Court, prima facie, concluded that there had already been previous incidents of threats.

14. Therefore, having regard to the aforementioned circumstances and upon careful perusal of the materials on record, including the CD, as well as the subsequent conduct of the accused, I do not find any justification to satisfy my judicial conscience that this is a fit case for the grant of bail.

15. Accordingly, the prayer for bail made by the petitioner is rejected.

(Partha Sarathi Chatterjee, J.)