

12.09.2025
Court No.04
Item No.03
Nandita

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 289 of 2025

In Re: - An application for Bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with **Jaigaon Police Station Case No. 140 of 2014, dated 14.05.2014 (G. R. Case No.1139 of 2014)** under Sections **366/370/376/34 of the Indian Penal Code.**

In the matter of: **Kahen Hossain @ Kayom Miya @ Kayam Miya**

....Petitioner.

Mr. Koushik Kumar Roy,
Mr. Biprajit Das,

... for the Petitioner

Mr. Mayank Roy

...for the De-facto complainant

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Tapan Bhattacharjee

.... for the State

1. It is said by the petitioner that the present petitioner was arrested on 01.07.2025 and since then he is in custody. The investigation process is over by submitting charge-sheet by the prosecuting agency. All the allegations as made in the written complaint against this accused petitioner are false and concocted one. As the investigation process has already been exhausted by the prosecuting agency, so there is no need of further detention of this accused petitioner behind the bar. Accordingly, it is prayed that the accused petitioner may be enlarged on bail.

2. Mr. Aditi Shanakr Chakraborty, ld. APP, raises objection by submitting that there are sufficient incriminating materials in the record which show about prima face involvement of this accused petitioner with the alleged

offence. It is said that the victim was taken to Rajasthan and repeated rape was committed upon her and subsequently she was sold to a brothel. It is further contended that if at this stage this accused petitioner is enlarged on bail, then there is every possibility of hampering of the progress of the trial.

3. Learned Advocate appearing for the *de facto* complainant has stated that this *de facto* complainant has no objection if this accused petitioner is enlarged on bail.

4. I have consulted with all the materials as placed before this Court at the time of hearing by the side of the prosecution. It appears that the charge sheet was submitted in this case showing this accused petitioner as absconder and subsequently he was arrested and since then he is in custody.

5. It is evident upon a careful perusal of the case diary and the materials collected during the course of investigation that there exist sufficient materials pointing towards the *prima facie* involvement of the present accused-petitioner in connection with the alleged offence. The prosecuting agency, in the course of investigation, has gathered statements of witnesses, documents, and other evidence which, when taken together, reveal substantial incriminating materials against the petitioner. These materials, at this stage, cannot be brushed aside or lightly ignored, for they provide a strong basis to believe that the petitioner had a role to play in the commission of the crime alleged. In the present matter, the records unmistakably disclose such a connection, and therefore, the plea that the petitioner is innocent or falsely implicated does not inspire confidence at this stage.

6. In light of the sufficiency of incriminating materials on record and the clear prima facie involvement of the accused-petitioner in the alleged crime, this Court is not persuaded to exercise its discretion in favour of granting bail. The gravity of the accusations, coupled with the evidentiary materials available, strongly militates against enlargement on bail at this juncture.

7. Accordingly, **CRM (M) 289 of 2025** is hereby **rejected** at this stage.

8. Urgent Photostat Certified Copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(PRASENJIT BISWAS, J.)