

19.11.2025

Item No.DL4
Court No. 4

REJECTED

Asraf, A.R.(Ct.)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Criminal Miscellaneous Jurisdiction

Appellate Side

Case No. **CRM (M) 317 of 2025**

In re : An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Dinhata Women PS case no.25 of 2025 dated 18.03.2025 under Sections 69, 118(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In the matter of :

Abdul Mannan Miah @ Manne @ Abdul Mannan @ Manne

... ... Petitioner

For the Petitioner :

Mr. Sabir Ahmed

Mr. Hillol Saha Podder

... Advocates

For the State :

Mr. Aditi Shankar Chakraborty, APP

Mr. Bhaskar Das

Mr. Subhasish Misra

... Advocates

For the De facto Complainant :

Mr. Sourav Ganguly

Mr. Sayan Banerjee

Ms. Rishita Chakraborty

Mr. Gopal Roy

... Advocates

1. The bail prayer of the petitioner is taken up for consideration.
2. It is submitted by the learned advocate appearing on behalf of the petitioner that the petitioner has been falsely implicated in this case. He refers to the statement of the victim recorded under Section 183 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 as well as the statement of PW 1 recorded at the trial. It is submitted that there are material contradictions in the two statements. Learned advocate for the petitioner also relies upon the medical examination report of the victim. According to him, the victim did not disclose the name of the assailant or that she was raped by the petitioner at the time of her medical examination. Learned advocate for the petitioner further submits that the petitioner is a law abiding citizen. The instant case has been falsely filed with a motive to keep him in custody.

3. Learned advocate for the State opposes the prayer for bail. He relies upon various materials in the case diary including the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as the medical examination report of the victim.
4. Learned advocate appearing on behalf of the de facto complaint / victim submits that the petitioner happens to be of a desperate character and his associates have been threatening the victim. He refers to a writ petition where the victim was directed to be provided with police protection by this Court. Learned advocate for the petitioner also relies upon the order passed by this Court in the previous bail application filed on behalf of the petitioner. He submits that in such order also, this Court noted the statement made out by the victim against the

petitioner and consequently, there was a direction upon the Superintendent of Police to provide police assistance to the victim.

5. Having heard the submissions made on behalf of the parties, it transpired that the petitioner is alleged to have taken money from the victim on the plea of providing job which he ultimately could not provide. When that money was demanded back by the victim, it is alleged that, the petitioner took the victim to an abandoned place and committed rape upon the her.
6. So far as the victim recorded her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 where she supported her case as made out in the First Information Report lodged by her. Although, the victim happens to be a married lady, nevertheless medical report of the victim speaks of rapture of hymen. The order passed in CRM(M) 106 of 2025 which has been annexed with this application goes to show that there were allegations of threat by the petitioner for which the victim was provided with police assistance. Similar allegations were made by the victim in the writ petition and in the said writ petition also, the victim was provided with police assistance.
7. Besides the aforesaid facts and circumstances, it is reported that the trial of the case is in an advance stage. Two out of twelve prosecution witnesses including the de

facto complainant have been examined. It is submitted on behalf of the de facto complainant that since the case diary is lying with the learned counsel representing the State before this Court, further witnesses could not be examined. Even today the case is fixed for recording evidence of the prosecution witnesses before the learned Trial Court.

8. Considering the stage of the trial, the nature of allegations and also taking into account the other facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail.
9. Hence, the prayer for bail is **rejected**.
10. Accordingly, CRM(M) 317 of 2025 stands disposed of.
11. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)