

C.R.M. (A) 5340 of 2022

24.11.2022
Sl.5
Court No.29
(AD)
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No.**206 of 2022** dated **27/08/2022** under Section **376(3)** of the Indian Penal Code, 1860 and **6** of POCSO Act.

And

In the matter of: **Ashish Ghosh**

....petitioner.

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Krishan Ray
Mr. Sourav Mukherjee
Mr. Souvik Das

... for the petitioner.

Mr. Joydeep Roy
Ms. Sujata Das

... for the State.

Mr. Asraf Mandal

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the de facto complainant. He refers to *whatsapp* messages exchanged between the petitioner and the de facto complainant over a period of time. He submits that the de facto complainant is presently an adult.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure of the de facto complainant. He submits that the incident narrated by the de facto complainant are at a stage when she was a minor.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the de facto complainant claims that she was physically abused by the petitioner while she was a minor.

Apparently, the petitioner was a teacher of the de facto complainant.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 5340 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)