

05.10.2023

SL. 2

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3013 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Shantiniketan** P.S. Case No. **92 of 2023** dated **13.07.2023** under Sections **376/354D/354A/354B/120B/506** IPC pending before the learned ACJM, Bolpur, Birbhum.

And

In the matter of: **Lipika Ghosh & Anr.**

....petitioners.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Sabir Ahmed
Mr. Ayan Chakraborty
Ms. Sohini Mukherjee

...for the petitioners.

Ms. Anasuya Sinha
Mr. Pinak Kr. Mitra

...for the State.

Mr. Ayan Basu
Mr. Anirban Tarafder
Mr. Souma Bhattacharya
Mr. Atanu Bhattacharya

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioner No. 2 is working as a professor in the Visva Bharati in the music department. Petitioner No. 1 is his wife. The victim took admission in Visva Bharati sometime in 2005. The victim was ravished in March, 2010. Prior to the said incident episodes of indecent assault, proposal, etc. by petitioner No. 2 towards the victim started since 09.02.2009. It is alleged that the victim brought the matter to the knowledge of petitioner No. 1, who rather supported her husband (petitioner No. 2). In the year 2020 a complaint was made by the victim before the appropriate authority of the Visva Bharati. In the said complain there was no allegation regarding the incident of March, 2010. On the basis of said complaint an internal enquiry committee for Protection of Women from

Sexual Harassment, etc. in Working Place was called and enquiry was taken up. The enquiry report went against the petitioner No. 2 and the report was published sometime in 2022. After that report the present FIR has been lodged alleging ravishment of the victim by the petitioner No. 2 in March 2010.

3. We have perused the Section 164 Cr.P.C. statement of the victim between the lines though it is a lengthy one. Many allegations have been made starting from 09.02.2009 against the petitioners.
4. So far as petitioner No. 1 is concerned only allegation made against her is that she was supporting her husband in his illegal and immoral act. Charge-sheet in the meantime is stated to have been filed.
5. By order dated 10.08.2023, we had directed the petitioners to appear before the I.O. and it is submitted that they had appeared before the I.O. in obedience to our order.
6. Learned Counsel for the informant submits that when the victim appeared before the I.O. on 08.09.2023 along with her elder brother, some incident happened in the P.S. and a G.D. entry to that effect has been entered on 13.09.2023. We do not find any support for the same from the learned State Counsel as there is no report to that effect by the concerned P.S.
7. Be that as it may, a crime having been reported after 13 years though offence involved is serious and there being no plausible explanation for the same it is obvious to assume some embellishment in the interregnum. Further charge-sheet

having already been filed, we do not find any justification for custodial interrogation of the petitioners. However, it is our duty to see that no hindrance is caused by the petitioners so far as the victim is concerned in her study.

8. It is submitted by learned Counsel for the informant further that since all the witnesses being attached with Visva Bharati there is every possibility that the evidence may be tampered. It is, however, well settled in law that after recording of the evidence by the Police and charge-sheet is filed there is no scope on the part the accused to tamper with the evidence.
9. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum within 15 days from today in the G.R. case arising out of aforesaid P.S. case.
10. On their appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:
 - (i) The petitioner No. 2 (Prasanta Kumar Ghosh) shall continue to appear before the I.O. once in a week till commencement of trial and he shall give accounts of his activities during the last seven days before the I.O., if asked for.
 - (ii) Both the petitioners shall not leave the

territorial jurisdiction of District – Birbhum for a period of more than 15 days at a time without obtaining prior permission of the Trial Court.

- (iii) The petitioners shall not threaten, induce or coerce any witness of this case including the victim in any manner whatsoever during the currency of this order.
- (iv) The petitioner No. 2 (Prasanta Kumar Ghosh) being a professor shall not be kept in any committee/body in the Visva Bharati University so far as evaluation of answer script, etc. or teaching of or to the victim is concerned.
- (v) Both the parties are directed not to create any scene in the premises of Visva Bharati if they come face to face to preserve the sanctity of the institution.

11. As charge-sheet has already been filed and the accused persons are available, the learned ACJM, Bolpur, Birbhum is directed to commit the case to the Court of Sessions, Suri, Birbhum for trial as expeditiously as possible after complying provisions under Section 207 Cr.P.C.
12. The Sessions Judge, Suri, Birbhum is directed not to makeover the case for trial to any other Additional Sessions Judge of the District and he is directed to take up the trial himself and conclude the same as expeditiously as possible.

13. The learned ACJM, Bolpur, Birbhum is directed to act upon the server copy of this order, if required.
14. Accordingly, the prayer for the anticipatory bail is allowed.
15. The application being **CRM (A) 3013 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

