

11.11.2024
Sl. No.12
akd
[ALLOWED]

C. R. M. (A) 3686 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 01.10.2024 in connection with Jiaganj Police Station Case No.229 of 2024 dated 02.07.2024 under Sections 342/354 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re: **Ashim Ghosh @ Patla**

... .. Petitioner

Md. Zohaib Rauf

... .. for the petitioner

Mr. Jisan Iqbal Hossain

... .. for the de-facto complainant

Mr. Arnab Chatterjee

Mr. Tirupati Mukherjee

... .. for the State

1. It is submitted on behalf of the petitioner he has been falsely implicated in the instant case. Investigation is complete. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits victim was a minor.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record. Victim was a minor and the petitioner subjected her to sexual assault. However, investigation is complete. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner is not necessary and he may be granted anticipatory bail however, subject to strict conditions.
5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely **Ashim Ghosh @ Patla**, be released on bail

upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Jiaganj Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)