

14.01.2025

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Allowed

C.R.M. (A) No. 94 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Chakdah Police Station Case No. 1271 of 2024 dated 06.11.2024 under Sections 107/3(5) of the BNS corresponding to Sections 305/34 of the Indian Penal Code.

And

In Re : Abhijit Ghosh petitioner

Mr. Subir Ganguly
Mr. Gunjan Shah
Ms. Shreya Agarwal
Mr. Deepak Khetawat
Ms. Soumili Sarkar

.....for the petitioner

Mr. Prasun Kumar Dutta, learned APP
Mr. Sachit Talukdar

....for the State

1. Learned Counsel for the petitioner submits victim had eloped with her friend. A criminal case was lodged by one Prosenjit Ghosh, a co-accused alleging victim and her father had assisted the kidnapping. Petitioner is no way involved with the said dispute. He has been falsely implicated. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail. He produces the case diary of the earlier case relating to kidnapping of the co-accused Prosenjit Ghosh's daughter.

3. We have considered the materials on record. Minor daughter of Prosenjit Ghosh had eloped with one Sanjoy Ghosh

alleging that the victim and her father had abetted kidnapping. Co-accused Prosenjit Ghosh lodged a case of kidnapping. Thereafter it is alleged petitioner and others had harassed the victim who committed suicide. Subsequently Prosenjit's daughter was recovered. Apart from statements of the witnesses that petitioner had abused the victim regarding kidnapping there is no other material implicating his involvement in the abetment to suicide. No suicide note was left behind by the victim. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)