

26.03.2025

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Ct. No. 26

S.D.

Allowed

C.R.M.(A) 1014 of 2025

In Re:- An application for anticipatory bail under Section 482 of the BNSS, 2023 in connection with **Goghat** Police Station Case No. **10** of **2025** dated **07.01.2025** under Sections **108/238(c)/64(2)** of the B.N.S., 2023 and Section **6(1)** of the POCSO Act, 2012, now pending before the learned Additional Sessions Judge cum POCSO Court, 1st Court, Arambagh, Hooghly.

And

In Re : **Ashis Ghosh**

..... petitioner

Mr. Suman Chakraborty

...for the petitioner

Mr. Partha Pratim Das

Mr. Subhajit Chowdhury

...for the State

Mr. Mujibar Ali Naskar

...for the defacto complainant

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim. He points out the police complaint. He submits that the complainant acknowledged that there was marriage between the petitioner and the victim. He also points out that the police complaint was lodged 11 days after the date of the death.

State and the defacto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that although the victim was admitted at a hospital on

the ground of consumption of poison, no unnatural death case was registered as the hospital did not inform the police about the same. Defacto complainant also did not inform the police about such incident. Dead body was cremated by the defacto complainant, who is the mother of the victim. The mobile phone of the petitioner was seized and sent to forensic. Apparently, today there are pictures to show that the petitioner and the victim were intimate with each other.

Learned advocate appearing for the defacto complainant submits that defacto complainant was not aware of the relationship between the petitioner and the victim till discovery of the mobile phone of the victim where the defacto complainant came across the intimate pictures. He submits that those pictures establish penetrative sexual assault of a minor. The victim was a minor.

In response to a query of the Court as to why the defacto complainant did not lodge a police complaint when the victim confided in her that she consumed poison and why the police complaint was lodged ten days subsequent to the death of the victim, the answer is that the defacto complainant was devastated and therefore took time to be recover and lodged the complaint.

Apparently, petitioner and the victim were in a relationship.

Dead body of the victim was cremated without any unnatural death case being registered by the police in view of neither the hospital and nor the defacto complainant informing the police as to the same or the death of the victim.

Consequently, there is no post mortem report on record.

Defacto complainant lodged the police complaint after 11 days from the date of the incident.

The issues as to whether the petitioner was instrumental in making the victim to consume the poison or that the death occurred due to the poisoning or there was sexual assault on the victim may be decided at the trial.

In such circumstances, we grant anticipatory bail to the petitioner.

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) B.N.S.S. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including

cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)