

D/L18

26.03.2025

Rohit

ct.no.26

**C.R.M. (A) 1018 of 2025**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/ under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No. 75 of 2025 dated 22.01.2025 under Sections 137(2)/140(3)/65(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of Protection of Children from Sexual Offences Act, 2012

And

In Re: **Gobinda Ghosh**

...Petitioner

Mr. A. Kumar Biswas

Mr. Amit Singh

...for the petitioner

Mr. Madhusudan Sur

Mr. Subhasish Datta

...for the State

1. Petitioner prays for anticipatory bail.
2. Learned Advocate appearing for the petitioner submits that the petitioner is 19 years of age. The victim insisted on staying with the petitioner. He submits that considering the age of the petitioner, the prayer for anticipatory bail should be allowed.
3. Learned Advocate for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 183 of the BNSS as also the medico legal examination report of such victim.
4. Victim is 12 years of age.

5. Statement of the victim recorded under Section 183 of the BNSS speaks of abduction by the petitioner.
6. It is however silent with regard to any penetrative sexual assault on her by the petitioner.
7. It goes on to say that she was forcibly married to the petitioner.
8. Medico legal examination report however speaks of penetrative sexual assault as claimed by the victim before the doctor.
9. Considering such materials on record, the gravity of the offence and the involvement of the petitioner as transpiring therefrom and considering particularly the age of the victim, we are not inclined to grant anticipatory bail to the petitioner.
10. Hence, this application for anticipatory bail is, thus, rejected.
11. **C.R.M.(A) 1018 of 2025** is thus dismissed.

***(Debangsu Basak, J.)***

***(Md.Shabbar Rashidi, J.)***