

22/05/2025

D/L 33
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1708 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with GR case no. 1095 of 2025 arising out of Raghunathganj police station case no. 339/2025 dated 19.3.2025 under sections 126(2)/115(2)/117(2)/108 of the BNS.

In the matter of: Samar Ghosh @ Habol @ Samor Ghosh
... Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta

...for the petitioner.

Mr. Imran Ali
Ms. Suchismita Dutta

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. The victim was a minor boy who was having an affair with the petitioner's minor daughter. The petitioner only asked the boy not to continue with such relationship. The petitioner has been falsely implicated in this case.
2. Learned counsel appearing for the State relies on the case diary and points to the statement of the de-facto complainant, the father of the victim. According to the de-facto complainant, on the previous day the petitioner had assaulted the boy and humiliated him. The next day, the boy committed suicide by consuming poison. However, the post-mortem report does not indicate any same injury.

3. It will be for the Court to finally decide whether the unfortunate death of the victim was the result of any abatement by the petitioner.
4. However, considering the nature of allegations and materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall meet the I.O as and when required.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)