

13.08.2025
Court No.28
Item No. 42
tbsr
Allowed

CRM (A) 2001 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Goghat** P.S. Case No. **179 of 2025** dated **24.04.2025** under Sections **64(1)/324(4)/303(2)/352/351(3)/3(5)** of the of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of:

Narayan Chandra Ghosh @ Naran Ghosh @ Narayan Ghosh

....Petitioner.

Mr. Niladri Sekhar Ghosh

Ms. Labani Sikder

Mr. Souvik Dey

...for the petitioner

Mr. Aniket Mitra

Mr. Sandip Kundu

....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the aunt of the alleged victim/de-facto complainant. It was alleged by the petitioner in the complaint made before the learned Magistrate that was directed to be registered of an FIR that the first marriage of the victim did not last because of the actions of her own relations who had forced her to get into a physical relationship with the present petitioner. G.D. Entry was made in this regard before lodging of the complaint, according to the complainant. The petitioner has been falsely implicated in this case. In any event, the FIR has been lodged after an enormous delay.

No one appears on behalf of the de-facto complainant/alleged victim, despite service of notice.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary including the

statements of the victim recorded before the learned Magistrate, the statement of the second husband etc. She refused to undergo medical examination.

It is indeed true that the FIR was lodged after a quite some delay.

The medical examination would not have any relevance because of the alleged incident had taken place a long time ago.

However, from the extract of the G.D. Entry in question being present at page 38-A of the case diary, it does not appear that the material allegations contained in the complaint were disclosed in the said G.D. Entry.

Considering the above and in view of the delay in lodging of the information, 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.

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, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioners shall co-operate with investigation, shall meet the I.O. once a week till submission of charge sheet and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

The personal appearance of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)