

20.08.2025
Court No.28
Item No. 51
tbsr
Allowed

CRM (A) 2363 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, 1973 in connection with **Ranaghat** P.S. Case No.**358 of 2025** dated **09.06.2025** under Sections **65/69/61** of the of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of: Swarup Ghosh @ Riju

....Petitioner.

Mr. Sayan De
Mr. R. Chakraborty
...for the petitioner

Mr. Arijit Ganguly
Ms. Srilekha Chatterjee
....for the State

Mr. Suvom Dutta
....for the de-facto complainant

Memo of Evidence and Report filed on behalf of the State are taken on record.

Heard the learned counsels for the parties.

Perused the case diary.

It has been alleged that the FIR relates to a charge under Section 6 of the POCSO Act regarding an incident that happened 15 years ago. It has also been alleged that both the parties had a relationship for quite long.

Learned counsel appearing on behalf of the de-facto complainant submits that although the victim did not get married, the petitioner got married with another. There were some objectionable photos kept in the mobile phone of the petitioner.

In view of this, a direction was passed upon the Investigating Officer to seize the mobile phone/s. It appears from the report that a mobile phone of the petitioner has already been seized. According to the petitioner, the other was exchanged for a new mobile by the petitioner in the month of May, 2025 while the FIR was lodged in June, 2025.

Considering the materials available in the case diary including the statement of witnesses, 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 petitioner shall meet the I.O. once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)