

25.07.2025
SL No.23
Court No.42
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

C.R.M.(M) 1109 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

-And-

In the matter of: Mazaharul Islam @ Md. Nirale

...Petitioner

Mr. Jahar Lal Roy
Mr. Saptarshi Kumar Kundu

...for the Petitioner

Ms. Shaila Afrin
Mr. Parvej Anam

...for the State

Mr. Abhishek Verma
Mr. Atulya Sinha Verma
Mr. Swaraj Naskar
Ms. Aparna Sarkar
Ms. Brihanwita Debnath

...for the *De facto* Complainant

Service report filed by the State is taken on record.

Learned Advocate appearing on behalf of the petitioner submits that the materials on record would show that the victim was major on the date of incident. Out of family disputes the petitioner has been falsely implicated. There are no such incriminating materials against the petitioner. The petitioner is in custody for seven months. Upon completion of the investigation charge-sheet has been submitted. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim in her statement before the learned Magistrate clearly implicates this petitioner and others of commissioning rape upon her. Primary documents collected during the investigation show that the victim was minor at the time of incident. She seeks for dismissal of the bail application.

Similar submission is advanced on behalf of the *de facto* complainant and he also prays for dismissal of the bail application.

Perused the case diary and materials on record.

The victim stated in her statement that the petitioner and others kidnapped her and rape was committed upon her. The primary document collected by the investigating agency shows that the date of birth of the victim is 10th March, 2011. Considering the above materials and the nature and gravity of the offence, the application for bail stands **rejected**.

Accordingly, C.R.M. (M) 1109 of 2025 stands dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)