

26/11/2025
D/L – 9
Court No.28
S. Kundu
Rejected

C.R.M.(A) 3083 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with English Bazar P.S case no. 884 of 2025 dated 3.5.2025 under Sections 137(2)/140(3)/3(5) of the BNS.

In the matter of: XXX

...Petitioner.

Mr. Avinaba patra

...for the petitioner.

Mr. S.S. Imam

Mr. S. Balial

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits that the victim is actually not a minor. There are two Aadhar Cards which are being relied upon in this regard. The petitioner has also relied upon a Marriage Certificate.
3. Learned counsel appearing for the State strongly opposes the prayer for anticipatory bail and he relies on the report and the case diary and submits as follows. The Marriage Registrar in his statement has categorically denied that the alleged certificate contained his signature. Therefore, the petitioner is relying on a fake document. Although the petitioner has relied upon two Aadhar Cards, the concerned Magistrate while recording the statement of the victim has mentioned her age as 12 years.

4. Considering the incriminating materials available in the case diary including the statement of the minor victim girl and the further statement of the Marriage Registrar thereby denying genuineness of the Marriage Certificate relied upon, I do not consider this to be a fit case to grant anticipatory bail to the petitioner.
5. Accordingly, the application for anticipatory bail is rejected.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)