

28.07.2025
Item No.12
Ct. No. 03
KS

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(A) 559 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023.

And

In the matter of: **Prasenjit Dutta alias Prosenjit Dutta**

.....Petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Subir Banerjee

Mr. Abhijit Raha

....For the Petitioner

Mr. Niloy Chakraborty, Ld. A.P.P.

Mr. Tapan Bhattacharjee

....For the State

1. Mr. Milon Mukherjee, learned senior counsel through virtual mode appearing on behalf of the petitioner has submitted that the petitioner has been falsely implicated in the instant case as the petitioner is only a Clerk attached to the Mal Municipality and the alleged birth certificate was issued by the Chairman of the Mal Municipality.
2. In support of his contention, Mr. Mukherjee, learned senior counsel has referred to the averments delineated in the application for anticipatory bail.
3. That apart, learned senior counsel has submitted that in this case, the petitioner also complied with notice under Section 35 of the B.N.S.S.
4. It is further submitted by the learned senior counsel that the petitioner is only In Charge of Birth and Death Certificate Section and to deliver the certificate after putting digital signature of the Chairman of the Municipality.

5. Learned counsel appearing on behalf of the State has opposed the prayer for anticipatory bail by referring to several pages of the Case Diary and has submitted that the Death Certificates were issued to Afghan residents by using the digital signature of the Chairman of Mal Municipality and the petitioner was the authorized person to use such digital signature at the time of issuing the certificates.
6. That apart, learned counsel appearing on behalf of the State has also submitted that the Aadhaar Card number of different persons were deliberately used in issuing the certificates in favour of the residents.
7. In support of his submission, he has referred to several statements recorded under Section 180 of the B.N.S.S., 2023.
8. I have gone through the entire application as well as materials collected so far at the behest of the Investigating Officer and I am unable to grant the anticipatory bail to the petitioner, at this stage, while the investigation is still going on.
9. This application for anticipatory bail is, thus, rejected.
10. As a sequel, the application being, **C.R.M.(A) 559 of 2025** stands disposed of.
11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Bibhas Ranjan De. J.)

