

24.03.2026
Item No.5
Court No.7
CHC
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

CRM(M) 272 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023; in connection with Sitalkuchi Police Station Case No.254 of 2025 dated 01.06.2025 under Section 137(2) and 140(3) of Bharatiya Nyaya Sanhita, 2023 read with Section 6 of POCSO Act.
And

In the matter of : **Anarul Mia**
..... petitioner

Mr. Subhasish Misra, Advocate
Mr. Satyajit Paul, Advocate
Mr. Rounak Ghosh, Advocate
...for the petitioner

Mr. Nilay Chakraborty, Ld. A.P.P
Mr. Sagnik Sarkar Sikdar, Advocate
...for the State

Mr. Arijit Gnhosh, Advocate
Ms. Angana Rakshit, Advocate
...for the de facto complainant

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner refers to the complaint lodged. He submits that, petitioner and the de facto complainant are married.
3. Father of the victim signed the document of marriage.
4. Learned advocate appearing for the State submits that, DNA profiling was undertaken. Petitioner is the biological father of the child born to the victim.

5. Victim was about 15 years of age at the time of the incident. A child was born to the victim. DNA test report establishes that, petitioner is the biological father of the child born to the victim.
6. Initially when the petition was taken up for consideration petitioner denied being the father of the child.
7. Conduct of the petitioner does not inspire confidence given his stand with regard to the child born out of the relationship.
8. A minor cannot give valid consent in law marriage or to physical relationship.
9. In such circumstances, considering the gravity of the offence and the involvement of the petitioner in the incident, I am not in a position to grant bail to the petitioner.
10. Consequently, prayer for bail of the petitioner is rejected.
11. **CRM (M) 272 of 2025 is dismissed.**

(Debangsu Basak, J.)