

**CALCUTTA HIGH COURT**  
**Appellate Side**

Court  
No.8  
Sl.9  
Ssi/jayanta

**C.R.M. (DB) 3553 of 2024**

22.10.  
2024

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 corresponding to erstwhile Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Khatra Police Station Case No.48 of 2024, dated 09.07.2024 under Sections 329/103/117 (2) (3) (5) of the BNS, 2023.

In the matter of:-**Badal Chandra Mahata @ Badal Mahata & ors.**

Mr. Arkaprabho Roy  
...for the petitioners  
Mr. Rana Mukherjee  
Ms. Sujata Das  
...for the State

This is an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 corresponding with Section 439 of the Criminal Procedure Code in respect of Khatra Police Station Case No. 48 of 2024 dated 09.07.2024 under Sections 329/103/117 (2) (3) (5) of the BNS, 2023.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. They are in custody for about 3 months 12 days. Charge sheet has already been submitted. It is alleged that there was a scuffle between the adverse parties, which led to the death of the victim. However, the post mortem report would show that the death was due to diseased condition of lungs.

Learned counsel appearing on behalf of the State opposes the prayer and points to certain statements in the case diary. However, he submits that the statements under Section 164 of the Code do not talk about any assault, although there are statements of witnesses recorded under Section 161 of the Code which refer to giving of kicks and blows.

In view of the fact that the petitioners have been in custody for about 3 months and 12 days and considering the nature of the allegations and the recording in the post mortem report that the death was due to diseased condition of lungs, we are inclined to allow the application for bail.

Let the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Khatra subject to the conditions that during trial the petitioners shall appear before the learned trial Court regularly and the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it shall be open to the trial Court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

Criminal Section is directed to provide certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

**(Biswaroop Chowdhury, J.)**

**(Jay Sengupta, J.)**