

09.07.2025

Sl. no. 34

Ct. No. 25

P.M.

C.R.M. (M) 952 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Saktipur Police Station Case No. 299 of 2024 dated 1st December, 2024 registered for investigation into offences punishable under Section 126(2)/117 (2)/118(2)/109(1)/103(2)/3(5) of the Bharatiya Nyaya Sanhita 2023 subsequently charge-sheet has been submitted under Section 109(1)/117(2)/118(2)/126(2)/103(1)/3(5) of the Bharatiya Nyaya Sanhita 2023 relating to GR Case No. 6400 of 2024.

And

In the matter of : **Bitu Ghosh @ Titu Ghosh**

.... Petitioner

Mr. Arnab Chatterjee,

Mr. Atish Ghosh

.... For the petitioner

Mr. Bitashok Banerjee,

Ms. Manasi Roy

... for the State

Mr. Navanil De,

Mr. Srinjan Ghosh

.... for the defacto complainant

Learned counsel appearing on behalf of the petitioner submits that the name of the present petitioner has appeared in the statement of one Satyajit Ghosh recorded under Section 164 Cr.P.C., who has alleged assault on the victim by the petitioner.

Learned counsel submits that even as per the statement it was not premeditated act and the offence was committed at the heat of the moment.

Learned counsel submits that therefore, the petitioner may not be charged for murder and may be charged for culpable homicide.

Learned counsel for the State opposes the prayer for bail.

Though the charge sheet has been filed but charge has yet not been framed.

Hence the present petition is disposed of with liberty to the petitioner to raise all the contentions before the learned Trial Court at the stage of framing charge.

This petition being CRM (M) 952 of 2025 stands disposed of. However, it is made clear that this Court has not gone into the merits of the case and no expression made herein shall tantamount to be in expression on the merits of the case.

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

(Dinesh Kumar Sharma, J.)