

18.08.2025

24

jb.

jdt.

Allowed

C.R.M. (M) 977 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Murutia Police Station Case no. 57/2025 dated 15.03.2025 under Sections 109/117(2)/126(2)/3(5) of the Bharatiya Nyaya Sanhita and added Section 103 of the Bharatiya Nyaya Sanhita.

And

In Re : Goutam Mahato

Mr. Jaydeep Biswas

Mr. Asraf Mandal

... For the Petitioner.

Mr. Rudradipta Nandy

Mr. Nirupam Dhali

... For the State

The petitioner is in custody for about 150 days.

Learned counsel refers to an injury report of the victim issued by the SSKM hospital on 18th March, 2025 which indicates that the victim sustained head injuries by falling from a running bike. The incident has been referred to as road traffic accident.

Learned counsel for the State opposes the prayer.

I have considered the material on record. The injury report of the victim demonstrates that the victim sustained head injuries. The injury report says that the said injury was as a result of a road traffic accident. The victim fell from a running bike and sustained such injuries. The victim was accompanied by one Rohit Somaddar to SSKM hospital. Rohit Somaddar has neither been examined by the investigating officer nor cited as a witness in the charge-sheet. The statements recorded under Section 164 of the Code of Criminal Procedure are not supported by the injury report and the post mortem report. Charge-sheet has

been submitted. Further detention of the petitioner is not required.

Accordingly, the prayer for bail is allowed.

The petitioner namely Goutam Mahato shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to conditions that he shall remain outside the jurisdiction of Murutia Police Station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)

