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28.08.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1144 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Tangra P.S. Case No. 46 of 2025 dated 05.04.2025 under Sections 115(2)/105/3(5) of the BNS, 2023.

And

In Re : **Rajesh Shaw @ Rajesh Kumar Shaw** ... Petitioner.

Mr. Aniruddha Bhattacharyya
Mr. Raunak Basak
Ms. Anushka Bose
Ms. Rai Das ... for the Petitioner.

Mr. Debabrata Chatterjee
Mr. Sandip Kundu ... for the State.

Ms. Farnaz Nasim ...for the de facto complainant.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is in custody for more than 100 days. An incident of assault occurred between the petitioner and his family on one hand and the victim on the other hand. The victim succumbed to the injuries. The petitioner had no pre-meditation to murder the victim. He may be granted bail.

Learned counsels for the State and the de facto complainant oppose the prayer.

I have considered the material on record. The alleged incident involves the death of a person. There was a dispute between the petitioner, his father and brother on one hand and the victim on the other hand with regard to parking of a vehicle. There does not appear to be a pre-meditation on the

part of the petitioner in the alleged incident. The incident appears to have occurred at the spur of the moment. The victim succumbed to the injuries sustained by him. Charge sheet has been submitted. Material available in the CD does not justify further detention of the petitioner and he may be released on bail.

Accordingly, prayer for bail is allowed.

The petitioner namely **Rajesh Shaw @ Rajesh Kumar Shaw** 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, Sealdah subject to condition that he shall not enter the jurisdiction of Tangra P.S. and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, 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 thus disposed of.

Case Diary be returned.

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.)