

16.10.2025
Sl. 199
Ct.16
Allowed

CRM (M) 2067 of 2025

In Re:- An application for bail under Section 483 of the BNSS, 2023 in connection with S.T. No.03(5)/2025 under Section 103(1) of BNS arising out of Samsheganj Police Station Case No.851/2024 dated 19/12/2024 under Sections 126(2)/118(2)/109 of the BNS, 2023;

And

In the matter of : **Ahad Sk (19 years)**

.... Petitioner.

Dr. Achin Jana
Mr. Prosenjit Ghosh
Ms. Chetna Rustagi

...for the Petitioner.

Mrs. Manisha Sharma
Mr. Sobhan Gani

...for the State

1. It is submitted by the learned advocate for the petitioner that the present petitioner is aged about 19 years and he was falsely implicated in this case. He was studying in Class XII at the time of alleged incident. Moreover, he is in custody for long ten months.
2. Learned prosecution raises objection and submits that there are eyewitnesses and the statements against the present petitioner, which clearly established that the offence was committed by the present petitioner.
3. Heard the learned advocates appearing for the respective parties and on careful perusal of the contents of the FIR coupled with the statements recorded under Sections 182 as well as 183 of the BNSS in respect of the eyewitnesses

enough incriminating materials are found available against the present petitioner. At the same time, this Court cannot oblivious of the fact of the age of the petitioner and the period of incarceration already suffered by the petitioner. The number of charge sheeted eyewitnesses twenty one, out of which only one eyewitness has been examined and it is quite obvious that there is remote possibility of early disposal of the trial in view of the number of eyewitnesses. Initially, the case was started under Section 109 of the BNSS. Subsequently, the victim succumbed to the injuries and expired.

4. Therefore, considering all aspects of the matter and especially considering the age of the petitioner and in absence of any criminal antecedent, this Court is inclined to allow the prayer.
5. Hence, the prayer for bail is allowed subject to stringent condition which must be followed by the petitioner as mentioned hereinbelow, in default, the learned Court will be at liberty to cancel the said bail granted by this Court.
6. The petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees twenty thousand) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Session Judge, 1st Court, Jangipur, Murshidabad, subject to conditions that the petitioner shall remain within the jurisdiction of Samsherganj police station and shall appear before the

learned trial Court on every date of hearing fixed by the learned trial Court. The petitioner shall not tamper with the evidence or intimidate the witnesses in any manner whatsoever.

7. 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 the petitioner's bail in accordance with law without further reference to this Court.
8. The application for bail is disposed of.
9. Case diary be returned.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Chaitali Chatterjee (Das), J.)