26.11.2026
Item No.38
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 3027 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Falta Police Station Case No. 366 of 2025 dated 18.12.2025 under Sections 103(1)(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Asgar Khan @ Asgar Ali Khan**

... Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy,
Mr. Dipankar Guha

... For the Petitioner.

Mr. Ranojoy Chatterjee,
Ms. Swagata Das

... For the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody since 19.12.2025, charge-sheet has been submitted, charges have already been framed and three witnesses have been examined out of 15 witnesses cited by the prosecution.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of the Court to the statement of the wife of the deceased under Section 164 of the Code of Criminal Procedure as well as the other incriminating materials appearing.

I have taken into account the overall circumstances of the case particularly the genesis of the case which arose out of noise which spread because of opening the gate. There was a suddenness in the incident as pursuant to the noise,

dispute arose which was escalated and subsequently the deceased was assaulted. Considering that the petitioner is in custody for more than 11 months and no criminal antecedent is there against the petitioner, I am inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Asgar Khan @ Asgar Ali Khan** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Diamond Harbour.

If on bail, the petitioner shall be physically present on each and every date before the learned Trial Court and shall not leave the jurisdiction of the district of South 24-Parganas without prior permission of the learned Trial Court.

The observations made above are only restricted for adjudication of the bail application and should not be considered a final opinion on the merits of the case.

Memo of Evidence and report submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 3027 of 2026, is, thus, disposed of.

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

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

(Tirthankar Ghosh, J.)