

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRM(SB)/9/2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with PS Humfrygunj in FIR No. 28 of 2024 dated 15.06.2024 under Section 302/307/201/212/504/120B/34 of the Indian Penal Code.

Shri Veera Kumar @ Kumar

Vs

The State

Mr. D.Ilango

Mr. Pardeshia Munda ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the State

April 22, 2026

[SR]

Item No.5

1. The petitioner contends that in the criminal trial against the petitioner, out of the 54 charge sheet witnesses and 6 supplementary charge sheet witnesses, only 6 have yet been examined. For the last eight months, no prosecution witness has been examined, whereas the petitioner is languishing behind the bar.

2. It is further submitted that five other co-accused persons were enlarged on bail on September 13, 2024 and that the petitioner is already in custody for about two years.

3. It is further contended that the grounds of arrest were not communicated to the petitioner.

4. Learned counsel cites the case of *Dr. Rajinder Rajan vs. Union of India (SLP (Crl.) Nos.3326 of 2026)* where the Hon'ble Supreme Court, by placing reliance on *Mihir Rajesh Saha vs.*

State of Maharashtra and another reported at (2026) 1 SCC 500, reiterated that the Constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes, including offences under the Indian Penal Code (now BNS 2023). It was further observed that in case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person would be at liberty to be set free.

5. The learned Public Prosecutor, while opposing the prayer for bail, submits that the custody memo mentions the concerned Section, which contention is disputed by learned counsel for the petitioner.

6. It is further argued by the learned Public Prosecutor that the five co-accused persons who have been granted bail stand on lesser footing than the present petitioner insofar as the gravity of the offence is concerned. In any event, the petitioner was apprehended and incriminating materials were found against the petitioner. That apart, a previous prayer for bail of the petitioner was rejected on November 26, 2025, when the coordinate Bench had recorded several grounds for refusing the bail.

7. Upon a perusal of the previous order of rejection, it is evident that the grounds for bail now urged before this court were not considered.

8. That apart, it is clear from the records that conclusion of the trial is still far off, since out of the 60 prosecution

witnesses, only six have been examined and for the last eight months, not a single prosecution witness has deposed.

9. That apart, going by the principle laid down in *Dr. Rajinder Rajan (supra)*, since the grounds of arrest were not communicated to the petitioner, it mitigates the sting out of the validity of the arrest.

10. In view of the above circumstances, the Court is of the opinion that the petitioner is entitled to be enlarged on bail.

11. Accordingly, CRM(SB)/9/2026 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.20,000/- (Rupees twenty thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction to the learned Chief Judicial Magistrate, Port Blair. Furthermore, the petitioner shall not make any attempt to tamper with the evidence and/or contact any of the witnesses during the period of trial. Also, the petitioner shall not leave the territorial jurisdiction of the Trial Court throughout the period of trial without prior leave of the jurisdictional Court.

12. The petitioner shall make himself available as and when called upon by the Trial Court to do so and shall attend the Trial Court on all dates. Moreover, the petitioner shall report once every fortnight to the Police Station Ograbraj during the period of trial.

(Sabyasachi Bhattacharyya, J.)