



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

CRM(M)/3/2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Diglipur Police Station Case No.24 of 2025 dated 01.04.2025 under Sections 103(1)/61(2)/238 of the Bharatiya Nyaya Sanhita, 2023

A. Rama Subramaniyan

Vs

The State

Mr. D.Ilango ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the State

April 23, 2026
[SR]
Item No.3

1. The present petitioner is one of the co-accused in a charge, *inter alia*, of murder.
2. Learned counsel for the petitioner contends that there are 84 witnesses mentioned in the chargesheet as well as 14 in the supplementary charge sheet, out of whom only one witness has been examined till date. That apart, for the last seven months, due to various reasons, not even a single prosecution witness could be examined in the trial.
3. It is submitted that the petitioner is already in custody for 1 year and 20 days and is not one of the prime accused. In fact, it is submitted that the primary accused has died in judicial custody.



4. Learned counsel further submits, by placing reliance on the judgment of the Hon'ble Supreme Court in *Dr. Rajinder Rajan vs. Union of India and another [SLP (Crl.) Nos.3326 of 2026]*, that if the Constitutional mandate of informing the arrestee the grounds of arrest is not complied with, the arrest and subsequent remand would be rendered illegal and the person would be at liberty to be set free.

5. In such view of the matter, it is submitted that since the end of the trial is not in sight and in view of the contravention of the aforesaid Constitutional mandate, the petitioner should be set free on bail, if necessary, by imposing stringent conditions.

6. The learned Public Prosecutor seriously opposes the prayer for bail and submits that the gravity of the offence and the heinous nature of the crime cannot be denied. The charge is that of the murder of a 35-year-old reporter who was brutally assaulted and thereafter killed and the corpse was concealed and subsequently burnt.

7. It is further submitted that the prosecution apprehends that if let free, the petitioner has every possibility of influencing witnesses and tampering with evidence.

8. It transpires from the submission of the parties and copies of two applications which have been produced by



learned counsel for the petitioner for the perusal of the Court, that at present both the charge sheet and supplementary charge sheet have already been filed upon completion of the investigation. The two applications at the behest of the prosecution are pending respectively for necessary permission to take photograph of all four accused persons who are currently in judicial custody and for taking their voice samples.

9. Although the petitioner is one of such accused persons and an allegation of conspiracy petitioner has been levelled in the charge sheet and supplementary charge sheet, fact remains that following principle reiterated in *Dr. Rajinder Rajan (supra)*, in view of non-compliance of the Constitutional mandate of informing the petitioner of the grounds of his arrest, the petitioner is otherwise entitled to be set free, since the process of arrest and subsequent remand was vitiated by such non-compliance.

10. In *Dr. Rajinder Rajan (supra)*, the Hon'ble Supreme Court also took into consideration the judgment of *Mihir Rajesh Saha vs. State of Maharashtra and Another*, reported at (2026) 1 SCC 500, where it was laid down that non-compliance of the Constitutional mandate of informing the arrestee the grounds of arrest vitiates the arrest and



subsequent remand and renders the same illegal, entitling the person arrested to be at liberty to set free.

11. Even otherwise, there is serious apprehension that the trial will take an inordinately long time to be concluded since, out of the 84 charge sheeted witnesses and 14 witnesses mentioned in the supplementary charge sheet, only one has been examined as yet and for the last seven months, for various reasons, no witness could be examined.

12. The petitioner is already in custody for 1 year and 20 days. As the investigation has already been completed, no useful purpose will be served in retaining the petitioner behind the bar.

13. However, the Court is not unmindful of the gravity and heinous nature of the offence as well as the fact that the photograph and voice sample of the petitioner is required to be taken and that the possibility of the petitioner influencing the witnesses or tampering with evidence has to be prevented. Such purpose, however, can be sub-served even without keeping the petitioner incarcerated further, by imposing stringent conditions of bail.

14. In such view of the matter, CRM(M)/9/2026 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-



(Rupees ten 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, Mayabunder and shall not leave the territorial jurisdiction of the South Andaman District throughout the period of trial without prior leave of the jurisdictional Court.

15. In any event, with or without such leave, the petitioner shall not enter into the territorial jurisdiction of the North and Middle Andaman District throughout the period of trial and/or attempt to contact the witnesses or tampering the evidence in any manner whatsoever.

16. Furthermore, the petitioner shall report to the Aberdeen Police Station every alternate day during the period of trial and shall make himself available, as and when required, for the purpose of recording his voice sample and taking his photograph, if not already done.

17. It is further stipulated that, if so called upon to do by the Trial Court, the petitioner shall attend the trial, in which the case, during the short period when the petitioner shall attend such trial, the petitioner shall report to the local police station closest to the Trial Court.

(Sabyasachi Bhattacharyya, J.)