

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

CRM(M)/5/2026
IA No.CRAN/1/2026

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

M. Ramesh

Vs

The State

Mr. D.Ilango ... for the petitioner

Ms. A.S.Zinu ... for the State

April 28, 2026
[SR]
Item No.4

1. CRAN/1/2026 is an application for leave to file the bail application without annexing certified copy of the order of the Trial Court dated April 06, 2026.
2. In view of the urgency involved, such leave is granted.
3. CRAN/1/2026 is accordingly allowed on contest.
4. The main application for bail is now taken up for hearing.
5. Learned counsel for the petitioner submits that the prime accused in the alleged offence has met his demise.
6. One of the other co-accused persons was enlarged on bail by this Court vide order dated April 23, 2026 passed

in CRM(M)/3/2026, *inter alia* on the ground that out of the 84 witnesses mentioned in the chargesheet as well as 14 in the supplementary charge sheet, only one witness has been examined till date. For the last seven months, due to various reasons, not even a single prosecution witness could be examined in the trial. Hence, the conclusion of the trial is not in sight in the near future.

7. Although the nature of the offence appears to be grave, keeping in view of the principle laid down in *Dr. Rajinder Rajan vs. Union of India and another* [SLP (Crl.) Nos.3326 of 2026] and *Mihir Rajesh Saha vs. State of Maharashtra and Another*, reported at (2026) 1 SCC 500, it is also to be noted that the Constitutional mandate of informing the accused the grounds of his arrest, if not complied with, vitiates the arrest and subsequent remand and renders the same illegal, entitling the person arrested to be set free.

8. On the above ground as well as on the ground of parity, since another co-accused standing on similar footing has already been granted bail, CRM(M)/5/2026 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.

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

10. 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.

11. 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.)