

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

CRM(M)/6/2026

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 in connection with Kadamtala Police Station Case No.35 of 2024 dated 09.11.2024 under sections 105/238(b) of the Bharatiya Nayaya Sanhita, 2023

Tushar Surva Gomasta

Vs.

State (U.T. of Andaman and Nicobar Islands)

Mr. Deep Chaim Kabir, Sr.Adv

Mr. S. Ajith Prasad

.... for the petitioner

Mr. Sumit Kumar Karmakar

... for the State

July 07, 2026

[SR]

Item No.1

1. This is an application filed under section 439 of the Code of Criminal Procedure, 1973 corresponding to section 483 of the BNSS, 2023.

2. The petitioner herein is charged with sections 105/238(b) of Bharatiya Nayaya Sanhita, 2023. The petitioner alleged to have caused death to his father for which he has been indicted in the instant criminal prosecution.

3. Previously prayer for bail was rejected. The last of rejection was on 20.04.2026 by the learned Additional Session Judge (I/c), North and Middle Andaman, Mayabunder.

4. Mr. Deep Chaim Kabir, learned Senior Counsel appearing for the petitioner submitted that the trial is in progress and witnesses have been examined. The petitioner is in custody for approximately one year nine months. Therefore, he should be released on bail specially when charge is not murder but suspicion of culpable homicide.

5. Learned Counsel appearing for the State vehemently opposed the application for bail on the ground that the chance of absconding cannot be ruled out when the petitioner is slapped with such serious allegations.

6. Considering the period of detention and considering the fact that the trial is in progress, this Court is inclined to allow the bail to the applicant/petitioner on furnishing of two bonds of Rs.15,000/- (Rupees fifteen thousand only) with the satisfaction of the learned Chief Judicial Magistrate, North and Middle Andaman with further condition that the petitioner shall attend the Court on each and every date, in case of failure of this, the order shall stand vacated and with further condition that he will not leave North and Middle Andaman District without prior permission of the Trial Court.

7. The instant application stands disposed of.

8. This order shall be communicated forthwith to the concerned Trial Judge as well as the Correctional Home.
9. Let the Case Diary be returned at once.

(Sugato Majumdar, J.)