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13.08.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1059 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Tangra P.S. Case No. 109 of 2018 dated 11.05.2018 under Sections 302/307/120B/34 of the IPC.

And

In Re : **Ashoke Paik @ Chiku & Anr.** ... Petitioners.

Mr. Sumit Basu
Mr. Tridip Sen
Mr. S. S. Basu
Mr. A. Adhikary
Mr. Sayan Santra ... for the Petitioners.

Mr. Rudradipta Nandy
Mr. Rajesh Jana ... for the State.

Heard learned counsels for the parties.

The petitioners are in custody for more than 7 years and pray for bail.

Learned counsel for the State opposes the prayer and submits that FIR has been lodged against the co accused who was granted bail earlier for violation of conditions imposed upon him. An application seeking cancellation of his bail is also pending.

It appears that one of the co accused similarly circumstanced with the petitioners insofar as the period of detention was considered was granted bail by this Court on 26th June, 2025. On that date, learned counsel for the State submitted that the prosecution proposed to examine 10 more witnesses. This Court is informed that another witness

has been examined by the prosecution after the earlier order was passed.

In view of the above, this Court is inclined to hold that it will take some more time for the prosecution to examine 9 more witnesses.

Violation of bail conditions imposed upon by the co accused can under no circumstances have any impact on the bail prayer of the petitioners.

Considering the period of detention of the petitioners and slow progress in trial, this Court is of the view that they should be released on bail solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, prayer for bail is allowed.

The petitioners namely **Ashoke Paik @ Chiku & Sanjay Naha @ Nata** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah subject to condition that they shall remain outside the jurisdiction of Tangra, Topsia and Pragati Maidan P.S. and shall furnish the address where they shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction they shall presently reside. The petitioners shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. They shall also furnish

their mobile phone numbers to the abovementioned authorities and shall not change the same without intimating them.

In the event the petitioners fail to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

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

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

(Suvra Ghosh, J.)