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19.09.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1283 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with New Alipore P.S. Case No.138 of 2019 dated 26.06.2019 under Sections 364A/170/382/387/307/34 of the Indian Penal Code read with Section 25/27 of the Arms Act.
And

In Re : **Animesh Dutta @ Raja** ... Petitioner.

Mr. Apalak Basu
Ms. Shiba Das ... for the Petitioner.

Mr. Subhamoy Bhattacharya
Ms. Debolina Das ... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for more than 6 years and seeks parity with the co accused who have been granted bail earlier solely on the ground of period of detention.

Learned counsel for the State opposes the prayer and submits that the petitioner was convicted for offence under Section 302 of the Indian Penal Code. On being granted bail in the said matter, during pendency of the appeal he committed the present offence.

I have considered the material on record. On merits, the petitioner does not deserve a favourable order at this stage. He is in custody for more than 6 years. The prosecution proposes to examine 10 more witnesses. Possibility of completion of trial in near future is bleak. Co

accused who are on bail are similarly placed with the petitioner insofar as their period of detention is concerned.

Considering the period of incarceration of the petitioner and the pace of progress in trial, this Court is inclined to hold that petitioner is entitled to bail solely on the touchstone of the Article 21 of the Constitution of India, without going into the merits of the case.

Accordingly, prayer for bail is allowed.

The petitioner namely **Animesh Dutta @ Raja** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore subject to condition that he shall remain outside the jurisdiction of New Alipore P.S. except for the purpose of appearing before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed by the learned trial Court without justifiable cause, the learned trial Court shall be at liberty to cancel his 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.)