

10.03.2026

Item No.DL32
Court No. 237
Asraf, AR(Ct.)

ALLOWED

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (M) 471 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Joynagar Police Station Case no.933 of 2025 dated 06.11.2025 under Sections 103(1), 61(2), 3(5) and 238 of the Bharatiya Nyaya Sanhita, 2023.

-and-

In Re :

RAHUL BAIDYA

.....Petitioner

For the Petitioner :

Mr. Sourav Chatterjee, Sr. Advocate

Mr. Soumya Nag

Mr. Mayukh Majumder

.....Advocates

For the State :

Mr. Antarikhya Basu

Ms. Debadrita Mondal

.....Advocates

Admittedly, in this case the chargesheet has been submitted on 31st January, 2026 and 1st April, 2026 has been fixed for framing of charge against the petitioner. The petitioner in this case has been implicated along with other four accused persons.

The petitioner is in custody for 123 days. It is acknowledged position before this Court that the statements recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 do not reflect the name of the petitioner in relation to the alleged commission of offence.

Mr. Antarikhya Basu, learned advocate appearing for the State, places reliance upon the statement under Section 180 of

the Bharatiya Nagarik Suraksha Sanhita, 2023. Mr. Basu submits that following the statement of the petitioner, the offending weapon as well as the wearing apparel of the petitioner have been recovered. Mr. Basu further relied upon Call Details Records dated 1st November, 2025.

It, however, appears that the offending weapon has been recovered from a public place where the petitioner had no control. The blood stain as allegedly appearing on the offending weapon has been sent for Forensic Science Laboratory report. The report is yet to reach. It further appears that the statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 also suggests that the petitioner was not present amongst the persons who were last seen together.

The Call Details Report as already noted is dated 1st November, 2025 whereas the date of alleged commission of offence is 6th November, 2025.

In view of the aforesaid, I am *prima facie* of the view that there is no sufficient materials on record which reasonably connect the petitioner with the alleged commission of offence.

Accordingly, the prayer for bail is **allowed**.

The petitioner be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of which must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, subject to condition that he shall appear before the learned Trial Court on every date of hearing. He shall not

intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned Trial Court on any date 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 accordingly disposed of.

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

Urgent certified photostat copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Kausik Chanda, J.)