

05.06.2026
Item No.09
Ct. No. 2
AB
(Allowed)

C.R.M. (M) 1351 of 2026

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 439 of the Code of Criminal Procedure, 1973 arising out of Budge Budge Police Station Case No.252 of 2023 dated 12.08.2023 for the offences punishable under sections 302/201/120B of the Indian Penal Code

And

In the matter of : **Ashim Baidya**Petitioner

Mr. Soumya Nag,
Mr. Azam Khan,
Mr. Rajdeep Senguptafor the Petitioner.

Mr. Pradip Banerjee, ld. APP,
Ms. Priti Kar Bagchifor the State.

Mr. Satadru Lahiri,
Mr. Safdar Azamfor the Defacto complainant.

1. Heard the submissions of the learned advocates for the parties including the defacto complainant and perused the materials available in the case diary as well as the charge sheet. The present petitioner is the principal accused. There is a prolong delay in trial as it is evident from the records as placed before this Court and the order passed by a Coordinate Bench on February 3, 2026, whereby on behalf of prosecution, it was alleged that six more witnesses have to be examined and direction was given to conclude the evidence of all the six witnesses by May 15, 2026, without granting unnecessary

adjournment to either of the parties. In between, the absconding accused has surrendered. As a result, the de novo trial has started and out of 19 witnesses already examined before such surrender, three witnesses have been further examined.

2. On a careful perusal of the entire facts and circumstances, it is apparent that though the allegation is serious, but it is the clear mandate of the Hon'ble Supreme Court that violation of Article 21 of the Constitution of India needs to be considered while considering the prayer for bail. The petitioner is behind the bar since August 12, 2023, i.e. two years nine months and it is settled proposition of law that prolonged incarceration should not be equated with the punitive measures.
3. Therefore, in view of the above and considering the period of incarceration of the petitioner and the prolonged delay in trial, this Court is inclined to allow the prayer for bail in favour of the petitioner.
4. Accordingly, it is directed that the petitioner shall be enlarged on bail upon furnishing bond of Rs.50,000/- (Rupees Fifty Thousand) only, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Alipore, and also on further condition that the

present accused petitioner shall appear before the learned Trial Court on each and every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the concerned police station without the leave of the Court.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause and/or fails to appear before the Trial Court, the Trial Court shall be at liberty to cancel his bail without further reference to this Court.
6. The application for bail is, accordingly, allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Chaitali Chatterjee (Das), J.)