

16.10.2025

Item No.DL17
Court No. 16
VACATION
BENCH

Rejected

Asraf & Sudipta

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. CRM (M) 1840 of 2025

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bishnupur Police Station Case No. 386 of 2023 dated 20.05.2023 under Sections 302 / 201 / 120(B) of the Indian Penal Code, 1860 read with Section 25(1B) of the Arms Act, 1959.

-AND-

In Re : **Sukur Sk @ Sukur Ali Sk**

.....Petitioner

For the Petitioner :

Mr. Shibaji Kumar Das

Mr. Aniket Kanrar

.....Advocates

For the State :

Ms. Zareen N. Khan

Mr. Asif Dewan

.....Advocates

For the de facto complainant :

Mr. Soumya Nag

Mr. Azam Khan

Mr. Aditya Tiwari

Mr. Rajdeep Sengupta

.....Advocates

1. The learned advocate representing the petitioner prays for enlargement on bail preliminary on the ground of Article 21 of the Constitution of India since he is in custody for last two and half years.
2. Furthermore it is submitted on behalf of the petitioner that the co-accused who is similarly circumstanced has been granted bail by the Hon'ble Supreme Court of India and

whereby further direction was given to the Trial Court to make an endeavour to conclude the trial within six months. It is submitted that till date, according to the learned counsel of the petitioner, only five out of twenty six witnesses have been examined and there is remote possibility for conclusion of the trial within a reasonable time.

3. On the other hand, the learned advocate for the State / Prosecution raises strong objection to the prayer for bail. It is submitted by the State that subsequently taking note of the decision of the Hon'ble Supreme Court, further order was passed by a Co-ordinate Bench rejecting the prayer for bail of another co-accused.
4. It is his further contention that the present petitioner is not similarly circumstanced with the person in whose favour the bail has been granted by the Hon'ble Supreme Court.
5. Learned counsel for the State submitted that prosecution intends to examine nine more witnesses and already nine witnesses have been examined and to that extent a letter of Sub-Inspector of Police addressed to the learned Public Prosecutor has been submitted before this Court which is taken on record.
6. He submits that the delay whatever has been caused is not on account of prosecution, rather it is on account of repeated interruption by the accused persons to represent them before the learned Trial Court.

7. The learned advocate representing the de facto complainant, on the other hand, submits that serious allegations are there against the present petitioner who is directly involved with the incident and the trial is almost completed and eleven witnesses have already been examined.
8. After hearing the learned advocates for the respective parties and considering the entire facts and circumstances of the case, the first thing which primarily appears that pursuant to the order of the Hon'ble Supreme Court, the bail prayer of co-accused has been granted considering not only the period of incarceration but also the specific role attributed to the co-accused. In the instant case, on perusal of the entire case diary, it primarily appears that direct involvement of the present petitioner in the incident is apparent and, therefore, he is not similarly circumstanced with the co-accused who has been granted bail. Moreso, the prayer of another co-accused has also been rejected.
9. After going through the entire facts and circumstances of the case and considering the above, this Court is not inclined to allow the prayer for bail of the present petitioner.
10. Accordingly, the instant application for bail stands rejected.
11. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]