

18.02.2026
Court No.35.
D/L.29.
Rakib
(Rejected)

CRM (M) 277 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Posta Police Station case no. 38 of 2022 dated 27.02.2022 under Sections 302/394/120B/34 of the Indian Penal Code.

And

In the matter of : Sushil Kumar.

.....Petitioner.

Mr. Sidharth Yadav
Mrs. Subhaneer Patel
Mr. G. Chahal
Mr. V. Singh
Ms. Shruti Mukhopadhyay

.....for the Petitioner.

Mr. Iabal Kabir
Ms. Rajnandini Das

.....for the State.

Ms. Rajshree Kundalia
Mr. Angshuman Chakraborty

.....for de-facto complainant.

Learned advocate appearing for the petitioner submits that petitioner is in custody for four years and only six witnesses have been examined out of the cited 61 witnesses. Learned advocate submits that there is no scope of the trial concluding in near future and the petitioner is unnecessarily languishing in jail. It has also been pointed out that another accused has been released on bail in CRM (M) 867 of 2025 and delay is the only ground on which the said petitioner was released on bail.

Learned advocate for the State on the other hand has drawn the attention of the Court to the factum of recovery. Learned advocate submits that there were recovery of 2 kg of gold from the present petitioner who is a resident of Agra. It has also been pointed that the person who has been granted bail is not similarly situated

as the present petitioner. Lastly it has been pointed out that the trial is being stretched because of continuing deferment prayed on behalf of the accused person.

Learned advocate for the de-facto complainant is also present and opposes the prayer for bail.

I have taken into account the totality of the circumstances including the factum of delay and I find that each of the parties have contributed to the delay.

Prima facie, I find from the facts of the case the incident attaches with it certain heinousness. However, the prosecution do not seem to be serious in progressing with the case. As a matter of last chance three months time is granted for substantial progress in respect of the deposition of the important witnesses concerned.

At this stage, having regard to the complicity of the present petitioner, I am not inclined to release the petitioner on bail.

However, the petitioner would be at liberty to renew his prayer for bail after the aforesaid period of three months is over.

With the aforesaid observations, at this stage CRM (M) 277 of 2026 is **dismissed**.

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

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

(Tirthankar Ghosh, J.)