

09.04.2026
Serial no. 15
[G.S.D]

CRM (M) 1782 of 2025

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Sessions Case No. 52 of 2025 arising out of Burrabazar PS Case No. 47 of 2025 dated 04.03.2025 u/s 3(5), 61(2), 310(2) and Section 312 of BNS, 2023.

-And-

In the matter of : Suman Kumar

... Petitioner(s)

Mr. Phiroze Edulji, Sr Adv.
Mr. A. K. Mishra
Mr. B. P. Singh
Ms. Priyanka Bhattacharya
Mr. Abhishek Dey

... for the Petitioner(s)

Mr. Sandipan Ganguly, Sr. Adv.
Ms. Faria Hossain, Id. APP
Mr. Subham Bhakat

... for the State-respondent(s)

Learned Senior advocate for the petitioner submits that the petitioner was arrested on 23.03.2025 and since then he is in custody. According to the learned advocate, there has been no recovery from the present petitioner and the petitioner has been implicated only on the basis of statement of certain individuals.

It is also submitted that the prosecution’s case also do not substantiate any allegation so far as the offence complained of under sections 310(2)/Section 312 of the BNS is concerned.

Additionally, it has been contended that the petitioner is from Patna and on the basis of cryptic

materials, the petitioner has been connected in connection with the instant case and is unnecessarily languishing in jail.

Mr. Ganguly, learned Senior Advocate, appearing for the State opposes the prayer for bail and submits that the subject-matter of the case relates to dacoity to the tune of Rs.13.5 lakh. Learned advocate also emphasizes that there has been recovery from the other persons and the CCTV footages reflect the presence of the present petitioner as a member of the gang. He also added that the petitioner was identified in the T.I. Parade by three separate persons.

The records of the case speak that the delay is not attributable to the State as charges were framed in the month of November, 2025 and because of the absconding accused persons being arrested subsequently, some time had been consumed for consideration of charges.

It has been pointed out that the security of the office where offence was committed also sustained injuries as the accused persons were adamant in carrying out their illegal activities.

Having regard to the fact that charges have been framed so far as this accused is concerned and date was fixed on 8th April, 2024 for consideration of charges of the absconding accused as also the fact that the prosecution intends to examine 37 witnesses in support of its case – out

whom there are vulnerable witnesses, I am not inclined to enlarge the petitioner bail at this stage.

Hence, the prayer for bail of the petitioner is **Rejected.**

However, as there are about 10 witnesses, whom the prosecution thinks are vulnerable in nature, the prosecution is directed to examine the vulnerable witnesses as early as possible. The petitioner would renew his prayer for bail after the evidence of the vulnerable witnesses is over.

List of the witnesses be submitted before the learned trial court immediately after the charge of the accused persons is framed.

Accordingly, CRM(M) 1782 of 2025 is **dismissed.**

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)

