**07.10.2026**
**Sl. No. 5**
**Court No.550**
**Rohan**
**(Allowed)**

**IN THE HIGH COURT AT CALCUTTA**
**CRIMINAL MISCELLANEOUS JURISDICTION**
**APPELLATE SIDE**

**C.R.M.(M) 2324 of 2026**

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bagnan Police Station Case No. 635 of 2021 dated 26.12.2021 under Sections 302/201 of the Indian Penal Code, 1860.

-And-

**In the matter of: Sudip Sarkar**

...Petitioner

Mr. Sk. Toslim Ali

...for the Petitioner

Mr. Brajesh Jha, APP
Mr. Lokesh Sharma
Ms. Supriti Sarkhel

... for the State

1. Report submitted by the learned advocate for the State is kept with the record.
2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 4 years 8 months and out of 19 witnesses, only 6 witnesses have been examined. There is no chance of an early conclusion of the trial. The learned counsel has prayed for enlarging the petitioner on bail on any condition.
3. Learned counsel for the State submits that although there was a delay but that delay is not attributable to the present panel of Public Prosecutor. He has also submitted that a short time may be given so that the prosecution can complete the examination of remaining witnesses. Learned Additional Public Prosecutor has drawn the attention of this Court to the statement of the mother of the victim recorded under Section 164 of Cr.P.C., wherein, she

has categorically narrated how the present accused had threatened her that he will kill her son and accordingly, he infact killed her son.

4. I have gone through the materials on record. It appears that charge-sheet was submitted on 14th April 2022 and charge was framed in the month of November, 2022. The change of panel of Public Prosecutor took place in the month of May/June, 2026 and therefore, it cannot be a ground for delay in the trial. However, as there are 19 witnesses and out of those witnesses, only 6 witnesses have been examined, I find that there is no chance of an early conclusion of the trial and accordingly, I am inclined to enlarge the petitioner on bail on certain conditions.

5. Accordingly, the application for bail of the petitioner, namely, **Sudip Sarkar** is **allowed**.

6. I direct the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned ACJM, Uluberia. The petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of Howrah Police Station except for the purpose of attending Court and shall meet the Inspector-in-Charge of the Howrah Police Station twice in a week until further order of the learned Trial Court.

7. In the event, the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. Thus, the application for bail being **C.R.M. (M) 2324** of **2026** stands **disposed of**.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

**(Apurba Sinha Ray, J.)**