

Present:

Koustuv Mukhopadhyay
(JO Code-WB 01059)
Additional Sessions Judge,
1st Fast Track Court,
Bichar Bhawan, Calcutta.

Order No. 49, dated 24.09.2025:

The record is taken up today for passing order on the bail application filed by accused Sushil Kumar, who is one among the 04 accused persons charge sheeted in the present case.

The matter was last heard in part on 22.09.2025 and was deferred particularly for the purpose of viewing CCTV footage, as the Ld Public Prosecutor had submitted that the involvement of the accused Sushil Kumar, in the alleged offence is clearly captured in the said footages.

At the outset, it may be noted that on 22.09.2025, the Ld Advocate appearing for Sushil Kumar pressed for bail by relying upon an order passed by the Hon'ble High Court at Calcutta in **CRM (M) 867 of 2025 dated 03.07.2025**, whereby bail was granted to co-accused Ankush Gautam.

It was argued that the accused Sushil Kumar stands on an equal footing with the said accused Ankush Gautam.

After persusing the order dated 03.07.2025 it appears that the Hon'ble Court, in the aforementioned order, granted bail to Ankush Gautam primarily on the ground that no recovery was made from him, and further observed that prolonged detention, in the absence of exceptional circumstances, ought not to convert into punitive detention.

Per contra, the Ld. PP has strongly opposed the prayer for bail and submitted that the three accused persons in custody—namely Sushil Kumar, Roop Kishore Khushwaha, and Karan Verma—were directly involved in the heinous offence of murder coupled with robbery, and the modus operandi of the crime has been clearly captured in the CCTV footage, which I have seen today.

While the evidentiary value of CCTV footage will be evaluated during trial, at this stage it prima facie appears to be highly incriminating against the Sushil Kumar.

It must also be kept in mind that though bail is the rule and jail the exception, the same is subject to the seriousness of the offence, the role

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attributed to the accused, and the possibility of tampering with evidence or influencing witnesses. (Reference **State v. T. Natarajan, 2003 CriLJ 1246**)

Upon perusal of the case diary and other materials on record, including the charge sheet and the CCTV footages, it prima facie appears that the accused Sushil Kumar appears to have played an active role in the commission of the offence in furtherance of common intention with the other accused persons.

That apart, upon careful consideration of the entire material available on record, this Court is of the considered view that the case of the accused Sushil Kumar is factually and evidentially distinguishable from that of the co-accused Ankush Gautam.

In my considered view, the claim of the Ld Defence Counsel that the accused Sushil Kumar stands on the same footing as Ankush Gautam does not hold merit in view of the distinct roles attributed to each, as reflected in the materials available.

It shall also to be kept in mind that in **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, (2004) 7 SCC 528**, the Hon'ble Supreme Court of India reiterated that in offences of a grave nature, bail should not be granted merely for the reason of parity, especially when there exists strong prima facie material against the accused seeking bail.

Furthermore, in my considered opinion, there exists a real and substantial risk of the accused tampering with evidence or influencing witnesses if released on bail at this stage. The likelihood of derailment of trial cannot be completely ruled out.

In view of the aforesaid reasons, the seriousness of the allegations, and the stage of the trial, I am of the considered view that this is not a fit case for granting bail to the accused Sushil Kumar at this juncture.

Accordingly, the bail application stands rejected and let the case diary be returned forthwith.

The next date is already fixed on **07.11.2025** for evidence and for production/appearance of accused Ankush Gautam, who is on Court bail.

Koustuv Mukhopadhyay
(JO Code-WB 01059)
Addl. Dist & Sessions Judge,
1st Fast Track Court,
Bichar Bhawan, Calcutta.