

D/L 85-87

22.04.2026
Rohit, A.R.(Ct.)
ct.no.08
Allowed

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

**C.R.A 356 of 2016
Shyam Babu Show
Vs
The State of West Bengal
With
C.R.A. 368 OF 2015
With**

**Kanta Singh & Anr
C.R.A. 369 of 2015
With
CRAN 2 of 2026**

In Re: An Application under Section 389(1) of the Code of Criminal Procedure, 1973 corresponding to Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with judgment and orders dated 20.04.2015 and 21.04.2015 in Sessions Trial No. 347 of 2010 under Sections 302/364/120B of the Indian Penal Code
And

In the matter of : Kanta Singh

..Applicant/Appellant

Mr. Avishek Sinha
Ms. Madhusree Banerjee

...for the Appellant

Ms. Faria Hossain, Ld. A.P.P
Mr. Mainak Gupta
Ms. Mousumi Sarkar

...for the State

Dictated by Arijit Banerjee, J:-

In Re : CRAN 2 of 2026 arising out of CRA 369 of 2015:

1. From the detention certificated filed in Court today we see that the petitioner is in custody for almost 12 year ten months.

2. The petitioner says that the entire case is based on circumstantial evidence.

3. There is no eye-witness to the alleged incident of murder.

4. He prays for suspension of sentence on the ground of long detention.

5. Learned State Counsel opposes the prayer. She says that on merit the State has a lot to say. However, she very fairly says that in so far as the period of detention is concerned she has nothing to say.

6. We see that the petitioner is indeed in custody for about 12 year ten months. His appeal of 2015 has still not been heard. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India we allow this application.

7. Accordingly, the prayer for bail is allowed.

8. Accordingly the appellant, namely, **Kanta Singh** shall be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand), with two local sureties of Rs. 5,000/- each, to the satisfaction of learned C.J.M., Howrah and on further condition that the appellant shall remain within the geographical limits of district Hooghly and shall meet the Inspector-in-Charge of Bhadreswar Police station once in a month until further orders and further that the appellant shall be personally

present or be represented before this Court when the appeal is taken up for hearing.

9. The operation of the order of conviction and sentence shall remain suspended till disposal of the appeal or until further orders, whichever is earlier.

10. The Department is directed to forward a copy of this order to the Superintendent of the concerned Correctional Home for immediate release of the applicant/appellant unless he is wanted in connection with any other case.

11. We clarify that the observations made by us in this order are only for the purpose of disposing of the application for suspension of sentence and the same shall have no relevance at the final hearing of the appeal.

12. Accordingly CRAN 2 of 2026 stands disposed of.

13. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)