

78-80. 24.12.2025.
Court
No.08. (Pritam)
(Allowed)

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

**CRA 493 of 2015.
with
CRAN 2 of 2020.**

With

CRA 516 of 2015.

With

**CRA 719 of 2015
with
CRAN 3 of 2019 (Old No.4755/2019).**

In Re :- An application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 389 of the Code of Criminal Procedure, 1973.

In the matter of: - **Ekram Sk.**

.....appellant.

Mr. Joydip Biswas,
Mr. Asraf Mandal,
Mr. Kaushik Ghosh,
Mr. Tanvir Mondal.

...for the appellant in CRA 719 of 2015.

Ms. Amita Gaur, Sr. Adv.,
Ms. Snigdha Saha.

...for the State in CRA 719 of 2015.

Dictated by Apurba Sinha Ray, J.

In Re :- CRAN 1 of 2019 (Old No.4755/2019)
in
CRA 719 of 2015.

1. The learned counsel for the petitioner submits that the petitioner is in custody for about 10 years and 7 months. He has an excellent arguable case. There is no chance of an early hearing of the appeal. Furthermore, in view of the principle laid down in the decisions of the Hon'ble Supreme Court in *Kashmira Singh vs. State of Punjab* reported in (1977) 4 SCC 291 and in *Saudan Singh vs. State of Uttar Pradesh* reported in 2021 SCC OnLine SC 3259, he is entitled to be released on bail after suspending the order of sentence.
2. The learned counsel for the State opposes the prayer for bail vehemently. According to her, on several occasions, the bail prayer of the petitioner was rejected by a Hon'ble Co-ordinate Bench. There are sufficient incriminating evidence against the present petitioner who held the victim to be murdered.
3. We have considered the materials on record and we find that the petitioner is in custody for more than 10 years and 7 months after his conviction. Moreover, during the trial period, he was all along on bail. It is also nobody's case that the petitioner misused the liberty granted to him during the trial. Without touching the merits of the case, only on the long incarceration and also taking into consideration the principles as laid down in the cases as mentioned above, we are inclined to allow the prayer on certain conditions.
4. It is thus ORDERED that the applicant, namely, **Ekram Sk.**, shall be released on bail upon furnishing a bond of Rs. **10,000/-** (Rupees Ten Thousand) with two sureties of like amount each,

one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that the present applicant shall not leave the jurisdiction of district Nadia, excepting for the purpose of attending court proceedings, until further orders. The applicant shall report/meet to the Officer-in-Charge/Inspector-in-Charge of *Thanarpara* Police Station once in a fortnight, until further orders. He shall fully co-operate with the Investigating Officer for further investigation of this case and that the applicant shall be personally present or be represented before this Court on each and every date when the appeal is taken up for hearing.

5. CRAN 1 of 2019 (Old No.4755/2019) is accordingly disposed of.
6. The operation of the order of conviction and sentence shall remain suspended till disposal of the appeal or until further orders, whichever is earlier. We also stay the operation of payment of fine till disposal of the appeal.
7. 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 unless he is wanted in connection with any other case.
8. 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.

9. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

CRA (DB) 493 of 2015.

10. Nobody appears in support of the matter.
11. Accordingly, CRA (DB) 493 of 2015 is dismissed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)