

24.
Court
No.8

28.04.2026
(Tanmoy)

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

**IA NO: CRAN/2/2026
In
CRA/497/2017**

In Re: - An application under Section 389(1) of Cr.PC, 1973 / Section 430(1) of BNSS, 2023, in connection with the judgment and order dated 28/29.08.2015, passed by the learned Additional Sessions Judge, Fast Track Court - II, Howrah, in ST No. 199/2014, arising out of Liluah PS Case No.109/2014 and convicted under Sections 302 of the Indian Penal Code, 1860.

AND

In the matter of: - **MITHU GHOSH**

...applicant/appellant.

Mr. Apalak Basu
Ms. Sompurna Chatterjee
Mr. D. Banerjee

...for the appellant/applicant.

Mr. Partha Pratim Das
Mr. Abhinaba Mukherjee

...for the State.

Dictated by Arijit Banerjee, J.

1. From a Detention Certificate filed by the State in Court today, we see that the applicant is in custody for about 12 years and two months.
2. This appeal of 2017 has still not been heard. Given the number of appeals pending, it may not be possible to hear out the applicant's appeal on an early date.
3. Accordingly, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we allow this application and we hereby do suspend the sentence of imprisonment of the present applicant.

4. It is thus ORDERED that the applicant, namely, **MITHU GHOSH** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of Rs.5,000/- (Rupees Five Thousand) each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that the applicant, while on bail, shall remain within the geographical limits of the district of Howrah, except for the purpose of attending Court proceedings and shall report to the Inspector-in-Charge/Officer-in-Charge of Liluah Police Station, Howrah, once in a month, until further orders and that the applicant shall be personally present or be represented through his learned Counsel before this Court on each and every date when the appeal is taken up for hearing and he will surrender before the Trial Court as and when called for in connection with the present appeal.
5. The operation of the order of conviction and sentence shall remain suspended till disposal of the appeal or until further orders, whichever is earlier.
6. 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.
7. 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.

8. The application being IA No: CRAN/2/2026 is accordingly disposed of.
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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)