

7.
28.10.2025.
ap

I.A. No. CRAN 2 of 2025
In
C.R.A. 648 of 2017

In the matter of: an application for bail under Section 389 of the Code of Criminal Procedure, 1973 corresponding to Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 being CRAN 2 of 2025 filed on 25.03.2025 in connection with Sessions Case No. 36 of February 2016 corresponding to Sessions Trial No. IV of February 2016.

And

In re.: Miraj Sk. & Anr. ... Appellants.

Mr. Debabrata Ray,
Mr. Prabir Majumder,
Ms. Sarbani Mukhopadhyay. ... for the Appellants.

Mrs. Amita Gaur, Id. APP,
Mr. Kaustav Banerjee. for the State

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1. In a sessions trial, the appellants were convicted under Sections 302/498A Indian Penal Code and sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/- in default thereof, suffer rigorous imprisonment for two years for the offence punishable under Section 302 of the Indian Penal Code and to suffer rigorous imprisonment for three years and to pay fine of Rs.2,000/-, in default thereof, suffer simple imprisonment for six months for the offence punishable under Section 498A of the Indian Penal Code.

2. Against such order of conviction and sentence, a statutory appeal has been preferred by the appellants which has already been admitted. Now, with the liberty granted by a Co-ordinate Bench of this Court admitting the appeal, the

appellant no.2 has approached this court for suspension of sentence.

3. The report of the Superintendent, Krishnagar District Correctional Home, Nadia dated 27th October, 2025 is perused by this Court. It appears therefrom that the appellant no.2 was detained as a convict for about 10 years 3 months and 24 days. He was available 530 days of Parole without police escort party and 12 days of parole with police escort party. There was no adverse report received from the local police and his conduct during the Correctional Home was satisfactory.

4. Although paper books are prepared and the appeal is ready for hearing, the likelihood of the appeal being heard soon is remote. Having regard to the dicta of the Hon'ble Supreme Court of India in the case of **Toofan Singh – Vs. – State of Tamil Nadu** reported in **(2021) 4 Supreme Court Cases 1** and in the case of **Saudan Singh – Vs. – State of Uttar Pradesh** reported in **2022 SCC OnLine SC 697**, this Court is inclined to suspend the sentence of the appellant no.2.

5. Accordingly, we direct that pending hearing of the appeal, the order of execution of sentence shall remain suspended and the appellant no.2, namely, Siraj Sk. shall be released on bail on a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia subject to the condition that the

appellant no.2 shall report to the Nakashipara Police Station once in a month until further orders and on further condition that he shall not leave the jurisdiction of Nakashipara Police Station without the leave of the Officer-in-charge of Nakashipara Police Station.

6. In default of compliance of any of the aforesaid conditions, the bail shall stand automatically cancelled and the appellant no.2 shall be taken into custody without any further reference to this Court.

7. With the aforesaid observations, CRAN 2 of 2025 is disposed of.

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8. It appears from the records that since the paper books in this matter have been prepared and served upon the respective parties, list the appeal in the Monthly Combined List of February, 2026 under the heading “**Hearing**”.

9. Let the names of Mrs. Amita Gaur and Mr. Kaustav Banerjee be recorded as having represented the State on 24th September, 2025.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of necessary formalities.

(Rajasekhar Mantha, J.)

(Apurba Sinha Ray, J.)

