

25.09.2025
Court No.13
Item No. 12
sp

CRA 746 of 2017
With
CRAN 3 of 2019
With
CRAN 4 of 2020
Bimal Sarkar
Vs.
The State of West Bengal

Mr. Syed Shahid Imam,
Md. Khairul.

... For the Appellant.

Ms. Amita Gaur.

.... for the State.

1. The Court has perused the report of the Superintendent, Presidency Correctional Home dated 19th September, 2025 in respect of applicant Bimal Sarkar.

2. It appears that the applicant Bimal Sarkar has suffered 18 years, 7 months and 25 days of incarceration. The U.T. period of 10 years 6 months have been set off. Bimal Sarkar is reported to have developed a good personality and offers his support to run administration in the Correctional Home. He is reported to be good person. It further appears that nothing adverse found against the applicant Bimal Sarkar by the Superintendent, Presidency Correctional Home. He has also enjoyed 633 days of parole and his conduct during parole has been satisfactory.

3. In so far as the applicant Akbar Shah is concerned, the report of the Lalgola Open Air Correctional Home, Murshidabad dated 24th September, 2025 is placed on record. The applicant suffered 18 years 7 months and 22 days of incarceration after due set off period of about 10 years during U.T. period.

4. The Lalgola Open Air Correctional Home, Murshidabad reports that applicant Akbar Shah was well behaved and maintained good relationship with other accused during incarceration. His overall conduct has been good. There was nothing adverse found against him from any corner. It is further reported that the applicant Akbar Shah is disciplined.

5. Having regard to the reports of the Superintendent, Presidency Correctional Home dated 19th September, 2025 and Lalgola Open Air Correctional Home, Murshidabad dated 24th September, 2025 and the dicta of the Hon'ble Supreme Court in the case of ***Sudan Singh Vs. State of Uttar Pradesh*** reported in ***(2013) 17 SCC 446***, this Court is inclined to suspend the sentence of the appellants and enlarge them on bail until disposal of the appeal.

6. Accordingly, the appellants be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Bansal Court, Kolkata and subject to the condition that the applicant Bimal Sarkar shall meet the Officer-in-Charge of the

Berhampur Police Station, Murshidabad and applicant Akbar Shah shall meet the O.C. of the Daulatabad Police Station, Murshidabad once in a month until further orders.

7. In default of complying of the aforesaid conditions, the bail shall automatically stand cancelled and the applicants shall be taken into custody.

8. The application being CRAN 3 of 2019 and CRAN 4 of 2020 is allowed and disposed of.

9. List the appeal in the ***Monthly List of February, 2026*** under the heading “***Hearing***”.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)