

JPD-9-10
Ct No.07
19.06.2026
(SSS/TN)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRA (DB) 4 of 2026
With
CRAN 2 of 2026

In the matter of: Basanti Sarkar and Ors.

.... Appellants/petitioners

With

CRA (DB) 5 of 2026
IA No: CRAN 1 of 2026

In Re: - An application for suspension of sentence under Section 430
of the BNSS, 2023, corresponding to 389(1) of the Code of Criminal
Procedure, 1973.

And

In the matter of: Shambu Mandal @ Sambhu Mandal

.... appellant

Mr. Sayantan Bhowmik

... for the appellant/petitioner
in CRA (DB) 4 of 2026

Mr. Aniruddha Biswas,
Ms. Kanak Mishra,
Mr. Monaj Saha

....for the de facto complainant
in CRA (DB) 4 of 2026

Mr. Jagriti Mishra, AAAG,
Mr. Gobinda Ghosh

.....for the State in CRA (DB) 4 of 2026

Mr. Arnab Saha,
Md. Shoaib Akhtar,
Mr. Indrajit Mandal

... for the appellant in CRA (DB) 5 of 2026

Mr. Aniruddha Biswas,
 Ms. Kanak Mishra,
 Mr. Manoj Saha

... for the *de facto* complainant in
 CRA (DB) 5 of 2026

Mr. Jagriti Mishra, Ld. AAAG,
 Mr. Gobindo Ghosh

....for the State in CRA (DB) 5 of 2026

Re: CRA (DB) 4 of 2026

On the prayer of the appellant, CRA (DB) 4 of 2026 along with CRAN 2 of 2026 is adjourned till the next Circuit. CRA (DB) 5 of 2026 along with CRAN 1 of 2026 be de-tagged from the same file.

Re: CRAN 1 of 2026 in CRA (DB) 5 of 2026

1. Learned counsel for the appellant, in support of the bail application, seeks to take the Court through the purported discrepancies in the impugned judgment and argues that there are serious contradictions in the prosecution case, thus entitling the appellant to bail.
2. At the outset, learned AAAG, appearing for the State, opposes the bail application and hands over a copy of an order, bearing Order No. 17 dated July 17, 2025 passed by the Additional Sessions Judge, Third Court, Jalpaiguri. It transpires therefrom that in the evening hours of July 15, 2025, that is, during pendency of the trial, one Suranjan Mandal and Buddheswar Mandal came to the house of P.W.6 and requested him not to give evidence in the case. As per the said P.W., his family

members were under tremendous fear. Again, on July 16, 2025, two females present in the Court room (who were identified by the witness, who disclosed their names as accused Basanti Sarkar and Mayarani Mandal) and three male persons present in the Court room (identified by the witness as Bishwanath Sarkar, Nikhil Sarkar and Shambhu Mandal, the last being the present appellant) went to his house and told him that it would not be good for him if he goes to Court to give evidence.

3. The learned Additional Sessions Judge further recorded that the aforesaid accused persons admitted the said allegation of P.W.6 in presence of learned defence lawyers and the learned defence lawyers sought for mercy for the accused persons.
4. On such premise, the learned Additional Sessions Judge recorded that the attitude of the aforesaid accused persons was a clear attempt to influence the witness and also to terrorize the witness so that he does not come to Court for giving evidence.
5. The prayer for bail of the accused persons, including the present appellant, was refused accordingly.
6. Learned counsel appearing for the *de facto* complainant also opposes the prayer for bail.
7. Whatever may be the perceived discrepancies and contradictions in the prosecution case, even if any, this Court is not confident, in view of the happenings which transpired before the learned Additional Sessions Judge, that, if let out on bail, the appellant shall not repeat his offence of trying to intimidate the witnesses.

8. Although the trial is now over, fact remains that the safety and security of the witnesses, on the basis of whose evidence the conviction was handed out, cannot be given a go-bye even during pendency of the appeal.
9. Accordingly, CRAN 1 of 2026 is dismissed.
10. A copy of the order handed over in Court today be kept on record.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)