

18.02.2026
Ct. No. 07
SL No.11
Sandip

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRA(DB) No.10 of 2026
with
CRAN No. 1 of 2026

Tamijuddin Md. & Ors.
Vs.
The State of West Bengal

Mr. Biswarup Roy,
Ms. Supriya Debnath

..... for the applicants.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Biswas

.....for the State.

1. Learned Advocates for the appellants are granted liberty to correct the cause title with regard to description of appellant/applicant no. 2.
2. CRAN 1 of 2026 is an application for suspension of sentence. The applicant/appellant no. 7 has expired after filing of the appeal and application and as such the prayer for bail is restricted only to the appellant/applicant nos. 1 to 6. The appeal abates in respect of the said appellant no. 7.
3. Learned advocate for the appellants submits that there was family dispute over felling of bamboo trees. The victims were working in their field. They found that the appellants were felling down bamboo trees. The victims

raised a protest and a scuffle and fight commenced. The appellants were armed with sickle and sticks. Those were being used for cutting the bamboo trees. There was no criminal intent. The fight went out of control and the parties sustained cut injuries. One of the appellants threw chili dust at the victims. Two of the victims died on the way to the hospital and the other died in the hospital.

4. From the records, we find that the appellants were on bail all through the trial. There is no adverse report against them.
5. Learned A.P.P. submits that criminal intent is available from the conduct of the appellants and the offence was grave and serious in nature. This was a case of a heinous crime.
6. The fact that the incident arose out of a family feud over felling of bamboo trees is available from the records as also from the judgment, which is impugned in the appeal.
7. Considering the records, the age of the appellant nos. 1,2 and 4, their role and also the fact that no adverse conduct was seen when they were all along on bail during the trial, prayer for suspension of sentence is allowed in respect of the appellant nos. 1, 2 and 4. The prayer for suspension of sentence is refused in respect of Safiul Haque, Rezaul Karim and Faridul Md.

8. Accordingly, the appellant/applicant nos. 1, 2 and 4, namely, Tamijuddin Md., Tanjina Khatoon and Raju Md. be released on bail of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of Rs. 5,000/- each, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, subject to the condition that they shall not enter the jurisdiction of Rajganj Police Station, but will remain within Jalpaiguri district. They shall appear before the learned Magistrate once a month till disposal of the appeal.
9. In the event, the said appellants/applicants fail to do so, the said court shall forthwith intimate such fact to this court and the department shall place the matter before the appropriate Bench for necessary order in accordance with law.
10. The application being CRAN 1 of 2026 is disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Smita Das De, J.)

(Shampa Sarkar, J.)