

JPD-03
Ct No.07
11.06.2026
(SSS)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRA (DB) 12 of 2026
IA No: CRAN 2 of 2026

In re: An application for suspension of sentence under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to 389(1) of the Code of Criminal Procedure, 1973.

And

In the matter of: Baldeb Lohar

.... appellant/petitioner

Mr. Arnab Saha,
Md. Shoaib Akhtar

... for the appellant/petitioner

Mr. Jagriti Mishra, AAAG
Mr. Gobinda Ghosh

....for the State.

Re: CRAN 2 of 2026

1. The present appeal has been preferred against a conviction by life sentence *inter alia* under Section 302 of the Indian Penal Code.
2. Learned counsel for the appellant, in support of the bail application, submits that there were four versions of the date of the alleged offence. Whereas PW-14 stated such date to be October 10, 2019, PW-13's version put the date at October 8, 2019, whereas PW-11 stated that a "Khukuri" (murder weapon) was taken from him by the appellant on October 11, 2019 and

returned to him on October 12, 2019 and PW-2 stated that the offence was committed on October 12, 2019.

3. Thus, it is argued that the prosecution case was palpably demolished by such contradiction, which was not taken into consideration by the learned Trial Judge.
4. Secondly, learned counsel submits that from the evidence of PW-10, one of the prosecution witnesses, it would be evident that the appellant and the victim came to his house on October 12, 2019 and thereafter, they went to the house of one S. Zigrey. Thus, the said evidence demolishes the case that the offence was committed by the appellant.
5. Furthermore, it is argued that no FSL report in respect of the murder weapon was ever produced in evidence.
6. Learned AAAG, appearing for the State, vehemently opposes the prayer for bail, particularly in view of the gravity of the crime.
7. Upon going through the materials on record, this Court is of the opinion that since the appellant has suffered a conviction by one Court and the nature of the offence is grave, there is no scope of grant of bail.
8. Insofar as the arguments of the appellant are concerned, the apparent discrepancy in the deposition regarding the date of the offence is superficial.
9. Fact remains that PW-11, from whom the murder weapon was taken by the appellant and returned on the date of the murder, corroborated such event.

10. PW-2 also stated that the offence was committed on October 12, 2019.
11. The statements of PW-13, the father-in-law of the victim and PW-14, the brother-in-law of the victim, who did not have direct knowledge regarding the incident, are irrelevant in view of the clinching evidence given by PW-2 and PW-11.
12. Secondly, the mere statement of PW-10 that the appellant and the victim came to his house and thereafter left for the house of one S. Zigrey cannot demolish the fact that the accused and the appellant were last seen together in the house of PW-10. Insofar as their going together to the house of one S. Zigrey is concerned, it is not the case of PW-10 that he accompanied the appellant and the victim to the house of S. Zigrey. Thus, such purported destination of the appellant and the victim is the mere statement of PW-10 on the basis of the impression given to him by the appellant and/or the victim.
13. Moreover, the non-production of the FSL report is not relevant, since the weapon was recovered from the house of PW-11, from whom the appellant took it and returned it. Obviously, at the time of recovery, there would be no blood stains on the weapon.
14. In such view of the matter, we do not find such a high case of discrepancy or perversity having been made out by the appellant so as to grant bail post-conviction, keeping in view the heinous nature of the offence and the gravity of the same.
15. Accordingly, CRAN 2 of 2026 is dismissed.

16. However, we expect that the paper books shall be prepared and filed at the earliest and the appeal be expedited.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)