tITEM NO.3 COURT NO.9 SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5655/2011

(From the judgement and order dated 12/05/2011 in CRA No.146/2010 , CRAN No.496/2011 of The HIGH COURT OF CALCUTTA)

AYUB ALI MOLLA @ AYEF MOLLA Petitioner(s)

VERSUS

STATE OF WEST BENGAL Respondent(s)
(With appln(s) for bail and office report))

Date: 17/10/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Anurag Pandey,Adv.
Ms. Reena Pandey, Adv.

For Respondent(s) Mr. Soumitra G. Chaudhuri,Adv.
Mr. Abhijit Sengupta,Adv.
Mr. B.P. Yadav, Adv.
Ms. Sampa Sengupta Roy,Adv.

UPON hearing counsel the Court made the following
O R D E R
We have heard learned counsel for the parties.

This Special Leave Petition is directed against the order dated 12.05.2011 whereby the High Court refused to allow the prayer of the petitioner for suspension of sentence.

We have looked into the materials on record, we find that apart from the petitioner, other co-accused have also been granted bail.

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Learned counsel for the State despite opportunity being given to him could not point out any reason for not allowing the prayer for suspension of sentence of the petitioner when his other co-accused have been granted bail.

Considering the facts and circumstances of the case and upon hearing counsel for the parties, we are inclined to consider the petitioner's prayer for suspension of sentence. We accordingly allow the petitioner's prayer for suspension of sentence and release the petitioner on bail on furnishing bail bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial court.

However, we are requesting the High Court to explore the possibility of hearing the appeal as early as possible, but preferably by the end of December, 2012.

The Special Leave Petition is disposed of.

(KUSUM SYAL)
SR.P.A

(VINOD KULVI)
COURT MASTER