

24.12.2021  
tkm/ct 28  
sl no. 92

**C.R.A.N 2 of 2021**  
**in**  
**C.R.A. 229 of 2021**

In Re : An application for bail under section 389(1) of the Code of Criminal Procedure.

In Re : Dayal Das Majumder .....appellant

Mr. Debasish Roy  
Ms. Sonali Das

..... For the appellant

Mr. Swapan Banerjee  
Ms. Purnima Ghosh

..... For the State

Appellant prays for bail. It is submitted that the appellant was on bail during trial and did not misuse liberty in any manner whatsoever. It is further submitted that the motive of committing the crime is not proved as the life insurance policy was not subsisting at the time of occurrence. Co-convict Suman Biswas has been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered evidence on record. Appellant was known to the deceased. Wearing apparels of the appellant and his voter's identity card were found on the body of the deceased. No cogent explanation in that regard has been offered by the appellant in the course of trial. Incriminating articles as well as weapon of offence was also recovered on his leading statement

In view of the aforesaid clinching evidence and the gravity of the offence, we are of the opinion this is not a case to suspend the sentence of the appellant. It is also relevant to note the he does not stand on the same footing with co-convict Suman Biswas whose

prayer for suspension of sentence had been allowed in the light of the slender evidence connecting him with the alleged conspiracy.

Application for suspension of sentence is rejected.

CRAN 2 of 2021 is disposed of.

Both the appeals be heard analogously.

Paper books be prepared within four weeks from the date of receipt of the lower court records.

Photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**