

02.01.2025
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sdas
allowed

CRA 153 of 2021
with
CRA 166 of 2021
with
CRA 188 of 2021
(CRAN 2 of 2023)

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

And

In Re : Zahir Abbas @ Bappa appellant/applicant

Mr. Kamalesh Chandra Saha
Mr. Samannya Saha
..... for the appellant
in CRA 153/2021

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Avik Ghatak
Ms. Afreen Begum
..... for the appellant/applicant
in CRA 188/2021

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya
Mr. Arani Bhattacharya
..... for the State in CRA 188/2021

1. Learned senior Counsel for the appellant/applicant submits he is in custody for more than thirteen years. In support of his submission learned senior Counsel places on record detention certificate issued by the Superintendent, Midnapore Correctional Home. He renews his prayer for suspension of sentence.

2. Learned Additional Public Prosecutor submits appeal is ready for hearing.

2. We have considered the materials on record. Appellant's prayer for suspension of sentence had been turned down on merits. Other appellants were enlarged on bail. Paper books are not ready till date. Appellant has suffered incarceration for more than thirteen years. Possibility of hearing of the appeal in near future is remote. In view of the aforesaid facts and in light of law declared in ***Saudan Singh vs. State of Uttar Pradesh***¹ we are inclined to suspend the sentence of the appellant and enlarge him on bail.

3. Accordingly, we direct that the appellant/applicant shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Purba Medinipur, on condition that the appellant/applicant shall report to the said Magistrate once in a month till the disposal of the appeal.

4. In the event the appellant/applicant fails to do so, the court below shall forthwith intimate such fact to this Court and the department shall place this matter before the appropriate Bench for necessary order in accordance with law.

5. The application being CRAN 2 of 2023 is allowed.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Shampa Dutt (Paul), J.)

(Joymalya Bagchi, J.)

¹ 2022 SCC OnLine SC 697 (para 9)

