

14. 23.07.2025.
Court
No.26 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRAN 1 of 2025
in
CRA (DB) 167 of 2025

In Re: - An application for bail in connection with appeal under Section 389 of Cr.P.C., 1973 read with Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Md. Bazar** Police Station Case No.**339/2018** dated **20.12.2018** under Sections **498A/302/34** of the IPC, 1860 & Sections 3 & 4 of the Dowry Prohibition Act, 1961.

And

In the matter of: - **Naju Sk.**
...appellant/petitioner.

Ms. Devi Priya Mitra.
...for the appellant/petitioner.

Ms. Amita Gaur, Sr. Adv.,
Ms. Suparna Chatterjee.
.....for the State.

In Re :- CRAN 1 of 2025.

1. Application for suspension of sentence is taken up for hearing.
2. Appellant is the husband of the victim. Appellant suffered a judgment of conviction of an order of sentence, *inter alia*, under Sections 498A/302 of the IPC, 1860 read with Sections 3 & 4 of the Dowry Prohibition Act, 1961.
3. Applicant was on bail at the time of the trial.
4. Appeal was admitted by an order dated May 21, 2025.

5. Department by a report dated July 3, 2021 states that, Trial Court Records although called for is yet to be received by the Department.
6. Appeal is unlikely to be heard anytime soon since the TCRs are yet to be arrived.
7. Conviction appears to be based on a dying declaration made by the victim.
8. Victim suffered 90 per cent burn injury. Victim was taken to the hospital by the appellant before us. Post-mortem doctor in cross-examination stated that, the burn injuries suffered by the victim can be inflicted by way of an accident also. Dying declaration was recorded by the doctor treating the victim. Such doctor, in cross-examination, stated that, if any patient received 90 per cent burn injuries, then generally such patient would not be in a position to speak. He also stated that the victim suffered 90% burn injuries.
9. Veracity of the dying declaration is questioned on behalf of the appellant.
10. Considering the fact that the appellant was on bail till trial, the nature of evidence led at the trial and the fact that the appeal is unlikely to be heard in the near future, we deem it appropriate to suspend the sentence.
11. Accordingly, we direct that the petitioner, namely, **Naju Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Additional Sessions Judge, Fast Track Court, Siuri, Birbhum*. The

petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

12. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

13. Accordingly, CRAN 1 of 2025 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)