

16
10.04.2026
Court. No.6
T.O.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(R)/16/2026

**TAPAS BARMAN AND ANR
VS
THE STATE OF WEST BENGAL**

Mr. Hillol Saha Podder, Adv.

... for the petitioners.

Mr. Abijit Sarkar, Adv.

Mr. Aniruddha Biswas, Adv.

... for the State.

1. This is an application under Section 430(2) of BNSS, 2023 (Corresponding Section 389(2) of the Code of Criminal Procedure).
2. The petitioner was convicted to suffer rigorous imprisonment for five years as well as payment of fine of Rs.50,000/- in default suffer further imprisonment of six months under Section 51 of the Wild Life Protection Act, 1972.
3. Against the said judgement and order of sentence, an appeal has been preferred which is still pending. Suspension of sentence was refused by the Appellate Court, as a result of which the petitioner is in custody. This application is filed

praying for bail, in view of the fact that sentence has not been stayed.

4. I have heard the Learned Counsel, Mr. Saha Podder as well as Learned A.P.P.
5. Mr. Saha Podder referred to ***Aasif @ Pasha vs. The State of U.P. & Ors.***, reported in, ***2025 INSC 944***, the observation of the Supreme Court for the principles of law had been laid down by the Supreme Court.
6. In this case appeal is pending. The petitioner is at liberty to approach the Appellate Court for suspension of sentence which the Appellate Court shall consider independently. Whatever that might be, it is directed that the appeal shall be disposed of within three months from the date of receiving the copy of this order.
7. The instant application stands disposed of.

(Sugato Majumdar, J.)