14.09.2026
Item No.14
Court No.11
Avijit Mitra

CRA (DB) 305 of 2026
with
IA No. CRAN 2 of 2026

In Re:- Appeal petition under Section 374(2) of the Code of Criminal Procedure, 1973 corresponding to section 415 (2) Bharatiya Nagarik Suraksha Sanhita, 2023;

And

In Re : Vicky Kapoor @ Bikash Kapoor
.....appellant

Mr. Deepak Prahladka,
Ms. Reshmi Khatun
.....for the appellant/applicant
Mr. Amarta Ghose,
Mr. Goutam Das
.....for the State

In re: CRAN 2 of 2026

Records reveal that by an order dated 06th August, 2026, the delay in preferring the appeal was condoned and the appeal was admitted. The learned Trial Court has convicted the appellant/applicant for the offence punishable under Section 307/302 of the Indian Penal Code. In connection with the appeal, the present application for suspension of sentence being CRAN 2 of 2026 has been filed. By an order dated 08th September, 2026, a coordinate Bench of this Court directed the State to file a detention certificate indicating the exact period of detention of the appellant both pre-conviction and post-conviction. Pursuant to such order, a detention certificate has been filed. Let the same be kept on record.

Mr. Prahladka, learned advocate appearing for the appellant submits that the appellant is languishing in custody for about 10 years and there is also no scope towards immediate disposal of the appeal. Such long detention would not be in consonance with the right guaranteed under Article 21 of the Constitution of India and in the said conspectus, the appellant may be granted bail upon suspending the sentence on any stringent condition.

He argues that there are contradictions in the testimonies of the witnesses and the appellant has been convicted accepting the false evidence of his brother-in-law.

Mr. Ghose, learned advocate appearing for the State opposes the appellant's prayer and submits that in view of the severity of the offence and the strength of the prosecution case, it is not a fit case for suspension of sentence.

We have considered and assessed the quality of the evidence recorded by the Trial Court. From the records it appears that the appellant has already suffered detention for about 10 years and there is no scope towards early disposal of the appeal. Under such circumstances and without expressing any opinion on the merits of the dispute and the culpability of the appellant, we allow CRAN 2 of 2026 and suspend the sentence and direct that the appellant shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas with a further condition that the appellant

shall be personally present or be represented by his learned advocate before this Court when the appeal is taken up for hearing.

The appellant shall also meet the Officer-in-Charge, Baranagar Police Station once in a month till the disposal of the appeal.

The application being CRAN 2 of 2026 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Rishad Medora, J.) **(Tapabrata Chakraborty, J.)**