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# Bilkis Bano case: sentence of two convicts suspended, the legal meaning of the bail order

News: 17 November 2026 | Published: 18 November 2026 Mains: GS-II, judiciary and the criminal justice system; GS-I, violence against women
Prelims: Supreme Court, suspension of sentence, remission, 2002 Gujarat riots



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## Why in the news?

As reported by The Hindu and The Indian Express, the Supreme Court has suspended the life sentences of two convicts in the Bilkis Bano case - Bipinchand Kanaiyalal Joshi and Pradip Ramanlal Modhiya - and granted them bail. The interim order was passed on 28 October 2026 by a Bench of Justices M. M. Sundresh and Prasanna B. Varale; the order was published recently on the court's website.

The short order gave three reasons: both men have been in prison for more than 17 years; one of them suffers a severe handicap; and the appeal raises issues to be decided both on fact and on law. The order came despite opposition from the Additional Solicitor General and counsel for Gujarat and Maharashtra, who stressed the seriousness of the offence and the High Court's confirmation of the conviction.

## Background of the case

During the 2002 Gujarat riots, Bilkis Bano was gang-raped and members of her family, including an infant, were murdered. In 2004 the Supreme Court transferred the trial from Gujarat to Maharashtra. In January 2008 a CBI Special Judge in Mumbai convicted 11 men and sentenced them to life imprisonment; the Bombay High Court upheld the convictions in May 2017.

In August 2022 the Gujarat government granted en masse remission to the 11 convicts and they walked free. In 2024 the Supreme Court quashed that remission and the men returned to jail. The present interim order concerns suspension of sentence and bail during the appeal of two of those convicts - it is not remission.

## Suspension of sentence, bail and remission: three distinct ideas

Suspension of sentence pauses the execution of a sentence while an appeal is pending; the conviction stands. Section 389 of the CrPC (now Section 430 of the BNSS) gives appellate courts this power. Bail is the person's release during appeal, usually on conditions - here the Bench left the conditions to the trial court.

Remission is an executive power: under Section 432 CrPC (now Sections 473-474 BNSS) and Articles 72 and 161 of the Constitution, the term of a sentence can be reduced. In 2024 the Supreme Court held that the Gujarat government lacked jurisdiction to grant remission because the trial had taken place in Maharashtra. Remission shortens a sentence; suspension only pauses it during appeal - this difference is the key exam point.

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## What issues are open in the appeal?

Senior advocate Siddharth Luthra argued that Modhiya was not named in the FIR and was implicated nearly three years later; Joshi was described as handicapped after leg surgery. These arguments do not erase the conviction; the Bench has only held that questions of fact and law remain open in the appeal.

Judicial discretion weighs the gravity of the offence against time already served, health, and the prospects of the appeal. That balance is the heart of this order: gravity drove the opposition; long incarceration and open appellate questions drove the interim relief.

## Mains analysis

Three exam themes follow. First, the limits of interim relief: bail and suspension of sentence regulate the period until the appeal, not the merits. Second, the limits of executive remission: the 2024 judgment clarified which state may remit and why transparency in the process matters. Third, delay in justice for riot survivors: the long chain of proceedings since 2002 shows that the pace of justice is itself part of justice.

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## Mains practice question

"The Supreme Court's latest order in the Bilkis Bano case underlines the difference between interim judicial relief and a final verdict." Comment in the light of the concepts of suspension of sentence, bail and remission. (250 words)

**Answer outline**

Introduction:

The 28 October 2026 order suspending sentence and granting bail to two convicts; the appeal is pending and the conviction stands.

Main body:

Concepts: suspension of sentence (Section 389 CrPC / 430 BNSS), conditional bail, remission (Section 432 CrPC / 473-474 BNSS, Articles 72-161).

The 2024 judgment: jurisdiction and process in remission.

Balance: gravity of the offence, time served, health, and open appellate questions.

Survivor's perspective: the social cost of delayed justice.

Conclusion:

Interim relief is not a final verdict; procedural fairness and speedy disposal of appeals are both essential to justice.

## Frequently Asked Questions (FAQ)

### Have the two convicts been acquitted?

No. The court has only suspended the sentence during the appeal. Issues of fact and law remain to be decided in the appeal.

### What happened to the 2022 remission?

The Gujarat government granted en masse remission to the 11 convicts in August 2022. The Supreme Court quashed it in 2024, and the convicts returned to jail.

### Who can suspend a sentence?

During an appeal, the appellate court can suspend a sentence under Section 389 of the CrPC (now Section 430 of the BNSS).

### Where was the case tried?

The Supreme Court transferred the case from Gujarat to Maharashtra in 2004. A CBI Special Judge in Mumbai sentenced the convicts in 2008; the Bombay High Court upheld the sentences in 2017. Sources: The Hindu - Bilkis Bano case: Supreme Court suspends sentence, grants bail to two convicts (16-17 November 2026) - https://www.thehindu.com/news/national/bilkis-bano-case-supreme-court-suspends-sentence-grants-bail-to-two-convicts/article71707334.ece The Indian Express - Supreme Court suspends Bilkis Bano convicts' life sentence, grants bail (16-17 November 2026) - https://indianexpress.com/article/legal-news/bilkis-bano-gangrape-gujarat-riots-2002-bail-2-convicts-10965164/

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