

*Item No. 32***IN THE HIGH COURT OF MANIPUR
AT IMPHAL****MC(Crl.A.) No. 5 of 2024***Ref:- Crl. A. No. 17 of 2022*

Usham Ongbi Tampakleima Leima

Petitioner**Vs.**

State of Manipur

Respondent

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL**01.03.2024**

Heard Mr. T. Rajendra, learned senior counsel, appearing on behalf of the petitioner and Mr. RK Umakanta, learned PP, appearing on behalf of the State of Manipur.

The present application although filed under the provision of Sections 439 and 482 of the Cr.P.C., 1973; is essentially an application under Section 389 Cr.P.C., 1973; seeking release of **Shri Usham Roben Singh**, aged about 48 years, S/O Late U. Nabachandra Singh of Taothang Mamang Leikai, P.O. & P.S. Lamsang, Imphal West District, Manipur, the appellant, on interim bail for a period of 10 (ten) days from 11.03.2024 to 20.03.2024, so as to enable him to arrange and participate in the marriage of his eldest son, Usham Rohit Meitei, which is scheduled to take place on 13.03.2024 at 1 PM at Taothong Ayungba Mamang Leikai.

Mr. RK Umakanta, learned PP, appearing on behalf of the State fairly concedes that Usham Rohit Meitei, S/o Usham Roben Singh, the appellant, is

scheduled to get married on 13.03.2024 at 1 PM at Taothong Ayungba Mamang Leikai.

It is further an admitted position that the functions in relation to the imminent marriage are scheduled to commence from 13.03.2024 and conclude on the 19.03.2024.

Mr. T. Rajendra, learned senior counsel, appearing on behalf of the appellant states that the appellant was on bail during the trial; duly surrendered upon the rendering of the judgment and order dated 31.10.2022 of the Ld. Additional Sessions Judge (FTC) for Crime Against Women, Manipur in Sessions Trial (CAW) Case No. 23 of 2018, convicting him.

It is not the prosecution's case that the applicant is a flight risk or that he will not be available at the hearing of the appeal instituted by him against the impugned order of conviction dated 31.10.2022 and order of sentence dated 14.11.2022.

In view of the foregoing, in the interest of justice, it is considered appropriate to permit the appellant to discharge his duties as the father of the bridegroom at latter's marriage ceremonies and be with the extended family in their time of joy.

Accordingly, the application is allowed and the sentence awarded to **Shri Usham Roben Singh**, the appellant, is suspended for a period of 10 (ten) days i.e. 11.03.2024 to 20.03.2024. The appellant is enlarged on bail subject to the following terms and conditions :-

- (i) the petitioner is ordered to be enlarged on interim bail subject to furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand) with two local sureties each of the like sum to the satisfaction of the concerned trial Court;*
- (ii) He shall furnish his mobile telephone number at the time of his release to the jail authorities as well as the concerned police station SHO, Lamsang Police station and undertake to keep the said mobile telephone operational, during the entire period of enlargement on bail.*
- (iii) He shall not leave the jurisdiction of Imphal West District during the period of suspension of sentence and enlargement on interim bail.*
- (iv) He shall surrender to the jail authorities without any demur, at the expiry of the period of interim bail.*

Accordingly, the application is allowed and disposed of.

Registry is directed to issue copies of this order to learned counsel appearing on behalf of the parties; to the concerned trial court for information and necessary action as well as the jail authorities.

CHIEF JUSTICE

Sushil