

GAHC010022172024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.A./169/2024

ARJUN KOIRY
S/O- LATE BANDHAN KOIRY,
R/O- PHILLOBARI LINE, TALAP, P.S.- DOOMDOOMA, DISTRICT- TINSUKIA,
ASSAM, PIN-786151.

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP, ASSAM.

2:SMTI. PADMINI GOWALA
W/O- LT. ANANDA GOWALA

R/O- TALAP T.E. PULIBARILINE
P.S.- DOOMDOOMA
DIST- TINSUKIA
ASSAM.PIN- 786151

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/509/2024

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S/O- LATE BANDHAN KOIRY

R/O- PHILLOBARI LINE

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P.S- DOOMDOOMA
DIST- TINSUKIA
ASSAM
PIN- 786151.

Advocate for : MR. T DEURI

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.06.2024

Heard Mr. T. Deuri, learned counsel for the applicant. Mr. B. Sarma, learned Public Prosecutor for the State/respondent No.1.

2. This is an application under Section 389 Cr.P.C. praying for granting bail by suspending sentence pending appeal to the applicant in connection with the judgment and order dated 13.10.2023 passed by the learned Additional Sessions Judge-2 (FTC), Tinsukia, Assam, in connection with Sessions Case No. 15(T)/2022, wherein the applicant was convicted and sentenced him to undergo

imprisonment for 6(six) months for the offence under Section 448 IPC and 3(three) years for the offence under Section 354 IPC.

3. The learned counsel for the applicant submits that the applicant may be allowed to remain on previous bail or to go on fresh bail, till disposal of the appeal.

4. On the other hand, Mr. Sarma, learned Additional Public prosecutor submits that he has no objection if the prayer of the applicant is allowed.

5. I have considered the submissions made by the learned counsel for the parties as well as perused the judgment of the learned trial court.

6. Considering the sentence imposed by the learned trial court, without further going into the merit of the case, prayer of the applicant is allowed.

7. Accordingly, the appellant-applicant, named above, shall be released on bail suspending the sentence during appeal in connection with Sessions Case No. 15(T)/2022, under Section 448/354 IPC, subject to the following conditions :

(i) The applicant shall furnish a bail bond of Rs.50,000/- with two suitable sureties each of the like amount to the satisfaction of the learned Additional Sessions Judge-2 (FTC), Tinsukia, Assam.

(ii) The learned Additional Sessions Judge-2 (FTC), Tinsukia, Assam will be at liberty to impose any condition(s) while granting bail to the applicant.

8. Nothing in this order shall be construed as an expression of opinion

on the merits of the pending criminal appeal.

9. In view of the above, interlocutory application stands disposed of.

JUDGE

Comparing Assistant