

GAHC010030612024



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

Case No. : I.A.(CrI.)/162/2024

NAMALI NATH
W/O SRI GAJEN NATH, VILL.- BONGRA MILANPUR, P.S.- PALASHBARI,
DIST.- KAMRUP, ASSAM, PIN- 781125.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR G PATHAK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 06-06-2024

Heard Mr. G Pathak learned counsel for the petitioner.

The present application is filed under section 389 Cr.P.C for suspension of sentence dated 20.01.2024 passed by the learned Sessions Judge, Kamrup Amingaon in Sessions case No.126/2014, whereby the applicant was convicted under section 314 IPC and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for another three months.

Perused the appeal memo as well as the ground taken in the present application.

The evidence of PW-6 (I/O of the case) suggests that the PW-6 i.e., during the investigation, did not collect any sample of medicine, which was allegedly administered to the deceased.

The deposition of PW-5 suggests that the accused was reluctant to give alleged herbal medicine to the deceased.

Considering the matter in entirety this court is of the view that the appellant has been able to make out a case for grant of bail. Accordingly, the bail application stands allowed.

Accordingly, it is directed that the applicant, namely, Smti Namali Nath, be released on bail on her furnishing a bond of Rs.50,000/- (Rupees fifty thousand only) with one solvent surety of the like amount to the satisfaction of the learned Sessions Judge, Kamrup, Amingaon with the condition that the applicant shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge.

The learned Sessions Judge is at liberty to add any additional condition that he/she may think proper.

In terms of the above, this bail application stands disposed of.

JUDGE