

GAHC010033222023



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

I.A.(Crl.)/126/2023

ILIAS ALI @ ILIAS UDDIN
S/O MD. AJIZ ALI @ ABDUL AJIZ
VILL.- ISLAMPUR
BESAPETTY
P.S.- LALUK
P.O.- NORTH LAKHIMPUR
DIST.- LAKHIMPUR
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY P.P.

2:MUSSTT. ROIMON NESSA
W/O MD. HASEN ALI

VILL.- ISLAMPUR
BESAPETTY

P.S.- LALUK

P.O.- NORTH LAKHIMPUR

DIST.- LAKHIMPUR
ASSAM.

3:MUSSTT. MAMATAZ BEGUM
D/O MD. HASEN ALI @ ABDUL AJIZ

VILL.- ISLAMPUR
BESAPETTY

P.S.- LALUK

P.O.- NORTH LAKHIMPUR

DIST.- LAKHIMPUR

ASSAM.

Advocate for : MS M SAHOO

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND 2 ORS.

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

05.11.2024

Heard Mr. N.N. Jha, the learned counsel appearing for the applicant/appellant. Also heard Mr. M.P. Goswami, the learned Addl. Public Prosecutor, Assam representing Respondent No.1.

2. Service of notice upon Respondent No.2 is already complete.
3. This is an application under Section 389 of the Code of Criminal Procedure praying for suspension of sentence and for releasing the applicant/appellant on bail.
4. The applicant/appellant was convicted under Section 376 of the Indian Penal Code in Sessions Case No.56 NL/2019 pending before the court of Addl. Sessions Judge (FTC), Lakhimpur, North Lakhimpur, Assam.
5. The State has filed an objection.
6. I have gone through the evidence available in the record.
7. I have also considered the submissions made by the learned counsel of both sides.

8. This Court is of the opinion that at this stage, the prayer of the applicant/appellant requires to be accepted.

9. Therefore, it is hereby directed that the sentence imposed upon the applicant/appellant by the judgment dated 29.12.2022 in Sessions Case No.56 NL/2019 shall remain stayed till disposal of the connected appeal.

10. The applicant/appellant Md. Ilias Ali @ Ilias Uddin shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the Addl. Sessions Judge (FTC), Lakhimpur, North Lakhimpur, Assam.

With the above directions, the present Interlocutory Application is disposed of.

JUDGE

Comparing Assistant