

GAHC010042582023



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

I.A.(CrI.)/147/2023

BIPUL GOGOI
S/O LATE LABURAM GOGOI
VILL.- SARDARSUK
BORPATHAR KONWAR GAON
P.O.- BARPATHAR
P.S.- BORBARUAH IN THE DISTRICT
ASSAM
PIN- 786004.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P.
ASSAM.

2:SUNENA KARMAKAR
D/O ANDAS KARMAKAR

R/O BEHEATING TEA ESTATE
PUJA LINE
P.O. AND P.S.- BORBARUAH
IN THE DIST. OF DIBRUGARH
ASSAM
PIN- 786001.

Advocate for : MR. M KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 13.11.2024

Heard Mr. M.Kalita, learned counsel for the applicant and Mr. D.Das, learned Additional Public Prosecutor for the State opposite party No.1.

By filing this interlocutory application under Section 389(2) of the Cr.P.C, the applicant has prayed for suspension of sentence and to allow him to go on bail during pendency of the connected criminal appeal against the judgment dated 05.01.2023 and order dated 07.01.2023 passed by the learned Additional Sessions Judge (FTC)-cum- Special Judge, POCSO, Dibrugarh in connection with POCSO Case No. 39/2018 whereby the applicant was convicted under Section 354 of IPC and sentenced to undergo rigorous imprisonment for one year and also to pay fine of Rs.2,000/-, in default SI for one month.

Learned counsel for the applicant submits that there are several contradictions in the evidence of the witnesses and as such, there is every possibility of acquittal of the applicant. Hence, the applicant may be enlarged on bail during pendency of the appeal.

Learned Addl.P.P. has made no objection in granting bail to the applicant.

Having considered the grounds of appeal against the impugned judgment and order and the sentence imposed against the applicant/appellant, without further going into the merit of the case, prayer for bail is allowed.

Accordingly, the sentence passed in POCSO Case No. 39/2018 is hereby suspended till disposal of connected Criminal Appeal No. 69/2023 and till then, the applicant/appellant, **Bipul Gogoi** is directed to be released on furnishing bail bond of **Rs. 30,000/-** with one surety of the like amount to the satisfaction of the said learned Addl. Sessions Judge-cum- Special Judge, POCSO, Dibrugarh.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant