

GAHC010068872023



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

I.A.(Crl.)/266/2023

NIRANJAN DAS
S/O SRI SUDIN DAS RESIDENT OF ASHRAM ROAD
PO AND PS SILCHAR
DIST CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP ASSAM

2:SRI SUDHAN CHANDRA DAS

S/O SRI JAGAT DAS RESIDENT OF PANCHAYAT ROAD
RAJ LANE 3
PO AND PS SILCHAR
DIST CACHAR
ASSAM 788007

Advocate for : MR A B DEY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

In Case No. : Crl.A./112/2023

NIRANJAN DAS
S/O SRI SUDIN DAS
RESIDENT OF ASHRAM ROAD, PO AND PS SILCHAR, DIST CACHAR,
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP ASSAM

2:SRI SUDHAN CHANDRA DAS

S/O SRI JAGAT DAS
RESIDENT OF PANCHAYAT ROAD
RAJ LANE 3
PO AND PS SILCHAR
DIST CACHAR
ASSAM 78800

Advocate for the Petitioner : MR A B DEY, MR. S SUTRADHAR

Advocate for the Respondent : PP, ASSAM, MS. M ACHARYYA (R2),MR B ACHARYYA (R2)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 08.08.2024

Heard Mr. A.B. Dey, the learned counsel appearing for the applicant. Also heard Mr. B. Sarma, the learned Additional P.P. for the State of Assam/respondent No. 1 and Mr. B. Acharya, the learned counsel appearing for the respondent No.2.

2. This is an application u/s 389 of the Cr.P.C. praying for suspension of sentence imposed by the judgment dated 25.01.2023 passed by the learned Additional Sessions Judge-cum-Special Judge (POCSO), Cachar, Silchar in Special (POCSO) Case No.13/2019 and for allowing the applicant to go on bail.

3. I have considered the submissions made by the learned counsels of both sides.

4. I have also gone through the evidence available in the record.

6. Considering all those things, the prayer of the petitioner is allowed.

7. The impugned judgment dated 25.01.2023 passed by the learned Additional Sessions

Judge-cum-Special Judge (POCSO), Cachar, Silchar in Special (POCSO) Case No.13/2019 shall remain stayed till disposal of the appeal.

8. It is also directed that on appearance of the petitioner before the learned Special Judge (POCSO), Cachar, Silchar, he shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Special Judge (POCSO), Cachar, Silchar.

9. With the aforesaid direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant