

GAHC010096922024



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

Case No. : Crl.A./164/2024

JALIL ALI
S/O LATE TOFALUDDIN,
VILLAGE- NO. 2 DAUKHANAGAR,
P.S.- KAJALGAON, DIST.- CHIRANG, ASSAM.

VERSUS

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

2:TALEB ALI SHEIKH
S/O IMAN ALI SHEIKH

R/O NO. 1 DAUKHANAGAR
P.S.- KAJOLGAON
DIST.- CHIRANG
ASSAM

Advocate for the Petitioner : MRS. B GOGOI

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/491/2024

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S/O LATE TOFALUDDIN
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Advocate for : MRS. B GOGOI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.05.2024

Heard Mrs. B. Gogoi, learned Legal Aid 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 04.04.2024 passed by the learned Special Judge(POCSO), Chirang, Assam, in connection with Special POCSO Case No. 24/2023, whereby convicting the accused/applicant under Section 8 of POCSO Act and sentenced him to undergo rigorous imprisonment for 3(three) years and also to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for one month.

3. The learned counsel for the applicant submits that the applicant is on

bail and prays for allowing him to go on fresh bail.

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 Special POCSO Case No. 24/2023, under Section 8 of POCSO Act, 2012, 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 Special Judge (POCSO), Chirang, Assam.

(ii) The learned Special Judge (POCSO), Chirang, 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