

GAHC010102162024



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

Case No. : I.A.(Crl.)/482/2024

MUNTAZ ALI
S/O MOSIR SHEIKH,
VILL.- LATAKHAT, P.S.- DHULA, DIST.- DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SANSULI MUCHAHARI
W/O GOBINDA MUCHAHARI
VILL- CHAMUAPARA (PACHNOI)
P.S.-ORANG
DIST- UDALGURI
ASSA

Advocate for the Petitioner : MR. A T SARKAR,

Advocate for the Respondent : PP, ASSAM, MS P DAS, AMICUS CURIAE FOR R-2

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.08.2024

Heard Mr. A.T.Sarkar, learned counsel for the applicant/appellant. Also heard Mr. R.J.Baruah, learned Addl. Public Prosecutor for the State/opposite

party No.1 and Ms. P.Das, learned Amicus Curiae for the opposite party No.2.

By filing this interlocutory application under Section 389 CrPC, the applicant/appellant has prayed for suspension of sentence during pendency of appeal and to release him on bail as per impugned judgment and order dated 12.04.2024 passed by the learned Special Judge, Udalguri in Special Case No. 45/2021 whereby the applicant was convicted under Section 8 of the POCSO Act and sentenced to undergo RI for 3 years and fine of Rs.10,000/- i/d SI for 2 months.

The learned counsel appearing for the applicant/appellant, submits that the applicant has been serving out the sentence for more than 125 days since 09.04.2024 and during investigation and trial also, he was in judicial custody for 2 months and as such, considering the sentence imposed on the applicant and also the period of sentence he has already undergone, he may be enlarged on bail.

Learned Addl. Public Prosecutor for the State/respondent No.1 and learned Amicus Curiae for the respondent No.2 have no objection if the applicant is granted bail during pendency of the connected criminal appeal.

Having considered the grounds of appeal against the impugned judgment and order as aforesaid and also having heard both sides, the sentence as aforesaid against the applicant/appellant pending the connected appeal is hereby suspended.

Accordingly, the sentence passed in Special Case No. 45/2021 passed by the learned learned Special Judge, Udalguri is hereby suspended till disposal of connected Criminal Appeal No. 144/2024 and till then, the applicant/appellant

Muntaz Ali is directed to be released on furnishing bail bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the said learned Special Judge, Udalguri.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant