

GAHC010107642024



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

Case No. : I.A.(CrI.)/530/2024

RAMAKANTA GAYARI
S/O LATE MATHURA GAYARI, R.O.- DIMAKUCHI, P.O. AND P.S.-
DIMAKUCHI, DIST.- UDALGURI, ASSAM.

VERSUS

CENTRAL BUREAU OF INVESTIGATION CBI AND ANR.
REP. BY P.P., CBI.

2:G. VERMA
THE THEN SUPERINTENDENT OF POLICE
CBI
ACB
GUWAHATI

Advocate for the Petitioner : MR. B K MAHAJAN, MR. A CHAUDHURY, MR N J DAS, MR. D BORA, MR. N MAHAJAN

Advocate for the Respondent : SC, CBI,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

07.08.2024

Heard Mr. B.K. Mahajan, the learned counsel appearing for the applicant. Also heard Mr. M. Haloi, learned Standing Counsel, CBI representing Opposite Party Nos.1 and 2.

2. This is an application under Section 389(3) of the Cr.P.C praying for grant of bail and for suspension of sentence passed by the learned Special Judge, Additional Court No.3, CBI, Assam on 30.04.2024 in Special Case No.41/2008.
3. The applicant was convicted under Sections 420/467/468/471 of the Indian Penal Code and Section 120(B) of the said Code. He was sentenced to different terms of imprisonment, the maximum being 5(five) years.
4. Mr. Mahajan has relied upon two decisions of the Hon'ble Supreme Court that were delivered in (1999) 4 SCC 421 (*Bhagwan Rama Shinde Gosai and Ors. -vs- State of Gujarat*) and (2024) 3 SCC 663 (*Atul Alias Ashutosh -vs- State of Madhya Pradesh*).
5. The Hon'ble Supreme Court has laid down that when there is a fixed period of imprisonment, in that case, the courts should be liberal in entertaining such a bail application.
6. Mr. Haloi has objected to this bail application.
7. I have considered the submissions made by the learned counsel of both sides.
8. This Court is of the opinion that the applicant's prayer deserves to be accepted. Accordingly, the judgment dated on 30.04.2024 passed by the learned Special Judge, Additional Court No.3, CBI, Assam in Special Case No.41/2008 shall remain stayed till disposal of the appeal.
9. The applicant Ramakanta Gayari is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the Special Judge, Additional Court No.3, CBI, Assam.

With the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant