

GAHC010121472024



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

Case No. : I.A.(Crl.)/590/2024

NILKAMAL RISHI
S/O LATE SANKA RISHI
VILL.- SATBHANI TUP
P.S.- BARPETA ROAD
DIST.- BARPETA
ASSAM
PIN- 781315.

VERSUS

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

2:ANIL KUMAR MAZUMDAR
S/O LATE ANANDIRAM MAZUMDAR

VILL.- BELLA
P.S.- BELLA
DIST.- MUZAFARPUR
BIHAR
PIN- 842001.

Advocate for : MR. S C BISWAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

26.06.2024

Heard Mr. S. C. Biswas, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

This application filed under Sections 389 of the Code of Criminal Procedure, 1973 praying for suspension of sentence and granting bail to the applicant during the pendency of the criminal appeal.

It is to be mentioned here that the applicant has already filed one appeal, being CrI.A. No.198/2024 against the impugned Judgment and Order dated 04.06.2024 passed by the learned Sessions Judge, Baksa, Mushalpur in Sessions Case No.45/2018, convicting the accused applicant to undergo R.I. for 3(three) years under Section 489 (C) of IPC and a fine of Rs.2000/- (Rupees two thousand) only and in default of payment of fine S.I. for another 3(three) months.

It is submitted by the learned counsel for the applicant, Mr. Biswas, that the present applicant has preferred an appeal within the statutory period of limitation. More so, there are good grounds of bail and there is every chance of succeeding in the appeal and accordingly, prayed for suspension of sentence and allowing the applicant to go on bail till disposal of the connected appeal. Further it is submitted that the accused/applicant is a permanent resident of his addressed locality and there is no chance of absconding if the accused is enlarged on bail by suspending the sentence imposed on him.

In this regard, Mr. Sarma, learned Additional Public Prosecutor has raised no objection on the prayer made by the learned counsel for the applicant.

Considering the submissions of learned counsels for both sides and for the ends of justice, I find it appropriate to suspend the further sentence and to allow the present applicant to remain on bail till disposal of the connected Criminal Appeal No.198/2024.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Sessions Judge, Baksa, Mushalpur, the applicant, namely, Nilkamal Rishi, be enlarged on bail.

In the meantime, the learned counsel for the petitioner is hereby directed to submit a compliance report before this Court.

In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant