

GAHC010128612024



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

Case No. : I.A.(Crl.)/605/2024

GAUTAM KALITA
S/O TONKESWAR KALITA
R/O AZARGURI ATHABARI GAON
P.S.- KHOWANG
DIST.- DIBRUGARH
ASSAM.

VERSUS

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

2:HAPPY DUTTA
D/O JADU DUTTA

R/O HALDHIBARI
BARPATHAR
P.S.- KHOWANG
DIST.- DIBRUGARH.

Advocate for : MR. A K BHUYAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 27.06.2024

Heard Mr. A. K. Bhuyan, learned counsel for the applicant. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing on behalf of the State respondent No.1.

This is application under Section 389 of the Code of Criminal Procedure, 1973 praying for suspension of sentence passed against the accused/applicant.

It is submitted by Mr. A. K. Bhuyan, learned counsel for the applicant that the present applicant has preferred an appeal being No. CrI.A.202/2024 against the Judgment and Order dated 13.06.2024 passed by the learned Additional Sessions Judge (FTC)-Cum-Special Judge (POCSO), Dibrugarh in POCSO Case No.01/2022 stating that there is every chance of succeeding the connected appeal. Further he submitted that during the entire trial, the accused/applicant was on bail and he never jumped over any condition of bail and he accordingly, filed the connected appeal within the statutory period of time.

Accordingly, it is prayed by the learned counsel for the petitioner that the accused/applicant may be allowed to remain on previous bail till disposal of the connected appeal by suspending the Judgment and Order dated 13.06.2024.

In this context, Mr. K. Baishya, learned Additional Public Prosecutor has raised no objection on the prayer made by the learned counsel for the accused/petitioner.

Considering the entire submission made by the learned counsel for both

the sides, the Judgment and Order dated 13.06.2024 passed by the learned Additional Sessions Judge (FTC)-Cum-Special Judge (POCSO), Dibrugarh in POCSO Case No.01/2022 is hereby stands stayed/suspended till the disposal of the appeal.

Further, the accused/applicant is hereby allowed to go on bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Additional Sessions Judge (FTC)-Cum-Special Judge (POCSO), Dibrugarh, the accused/applicant, namely, Gautam Kalita, be enlarged on bail, subject to the following condition:

(i) that the applicant shall not leave the jurisdiction of the learned Additional Sessions Judge (FTC)-Cum-Special Judge (POCSO), Dibrugarh, without prior permission.

In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant