

GAHC010142912024



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

Case No. : Crl.Rev.P./273/2024

PRIYA SAIKIA
S/O LATE KHAGESWAR SAIKIA, R/O GHARMORA GOSAICHAPORI, P.O.-
GHARMORA, P.S.-NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

VERSUS

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

2:SMTI HORUMAI DAS
W/O SRI NAKUL DAS
R/O VILL- GHARMORA SATRA
P.O.-GHARMORA
P.S.-NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/641/2024

PRIYA SAIKIA
S/O LATE KHAGESWAR SAIKIA
R/O GHARMORA GOSAICHAPORI
P.O.-GHARMORA
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ASSAM

Advocate for : MR. P J SAIKIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.07.2024

Heard Mr. P.J. Saikia, learned counsel for the applicant. Mr. R.J. Baruah, 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 revision petition to the applicant in connection with the judgment and order dated 01.06.2024 passed by the learned Sessions Judge, Lakhimpur, North Lakhimpur, Assam, in connection with Criminal Appeal No. 38(4)/2023, wherein the applicant was convicted and sentenced him to undergo imprisonment for 3(three) years for the offence under Section 326 IPC.

3. The learned counsel for the applicant submits that the applicant may be allowed to remain on previous bail or to go on fresh bail, till disposal of the

revision petition.

4. On the other hand, Mr. Baruah, 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 applicant, namely Priya Saikia, shall be released on bail suspending the sentence during revision petition in connection with Criminal Appeal No. 38(4)/2023, under Section 326 IPC, subject to the following conditions :

(i) The applicant shall furnish a bail bond of Rs.30,000/- with two suitable sureties each of the like amount to the satisfaction of the learned Sessions Judge, Lakhimpur, North Lakhimpur, Assam.

(ii) The learned Sessions Judge, Lakhimpur, North Lakhimpur, 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 revision petition.

9. In view of the above, interlocutory application stands disposed of.

JUDGE

Comparing Assistant