

GAHC010145892024



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

Case : I.A.(CrI.)/693/2024

SUJIT NAYAK
S/O LATE PARASURAM NAYAK
R/O RAILWAY COLONY
NEW FIELD
P.S.- DIPHUDIST.- DIPHU
KARBI ANGLONG PIN- 782460.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY PUBLIC PROSECUTOR.

2:NARAYAN DEBNATH
S/O LATE HARICHANRAN DEBNATH
R/O RAILWAY COLONY
P.S.- DIPHU
DIST.- KARBI ANGLONG
ASSAM

Advocate for : MR N J DAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

01.08.2024

Heard Mr. N. J. Das, learned counsel for the applicant. Also heard Mr.

B. Sarma, learned Additional Public Prosecutor.

This is an application under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed by the applicant praying for suspension of sentence pending appeal and release of the accused on bail against the judgment and order dated 07.06.2024 passed by the learned Special Judge (POCSO), Karbi Anglong, Diphu in POCSO Case No. 45/2019 convicting and sentencing the accused/applicant to undergo RI for 3 years and to pay fine of Rs.30,000/- in default stipulation under Section 354 C IPC.

3. The learned counsel for the applicant submits that there are lots of contradictions in the evidence of the witnesses as such there is every chance of acquittal in the case. Hence, the applicant may be allowed to remain on previous bail or to go on fresh bail, till disposal of the appeal.

4. On the other hand, Mr. Sarma, 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 appellant-applicant, named above, shall be released on bail suspending the sentence during appeal in connection with POCSO Case No. 45/2019, under Section 354C IPC, subject to the following conditions :

(i) The applicant shall furnish a bail bond of Rs.50,000/- with two suitable sureties each of the like amount to the satisfaction of the learned Special Judge (POCSO), Karbi Anglong, Diphu.

(ii) The learned Special Judge (POCSO), Karbi Anglong, Diphu 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 appeal.

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

JUDGE

Comparing Assistant