

GAHC010163992024



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

Case No. : I.A.(CrI.)/757/2024

SAIFUL ISLAM
S/O SURUJ JAMAL,
RESIDENT OF RANIPUKHURI, PO KAJIAMATI, PS AND DIST UDALGURI,
BTR, ASSAM 784509

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:ANOWARA BEGUM
W/O SUKUR ALI

RESIDENT OF VILLAGE MEDHIPARA
PO KAJIAMATI
PS AND DIST UDALGURI
BTR
ASSAM 78450

Advocate for the Petitioner : MD. A HUSSAIN, MR H R A CHOUDHURY,MR. K ALOM,MR. T ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.11.2024

Heard Mr. A. Hussain, learned counsel for the applicant and Mr.D.P.Goswami,

learned Addl.P.P. for the State opposite party No.1 and Mr. A.Ali, learned counsel for the opposite party No.2.

By filing this application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant has prayed for suspension of sentence during pendency of appeal and to release the applicant on bail vide the impugned Judgment of conviction dated 31.07.2024 and impugned order of sentence dated 02.08.2024 passed in Special (POCSO) Case No. 37/2022 by the learned Special Judge, Udalguri convicting the applicant u/s Section 8 of the POCSO Act and sentencing him to undergo RI for 3 years and fine of Rs.30,000/- i/d SI for 3 months.

The learned counsel for the applicant submits that the applicant has served out the sentence for three months and as such, considering the sentence imposed on the applicant and also the period of sentence he has already undergone, he may be enlarged on bail.

Learned Addl.P.P. has made no objection if the applicant is granted bail during pendency of the connected criminal appeal.

Learned counsel for the opposite party No.2 on the other hand submits that if the applicant is granted bail, he may threaten the victim and her family members and as such, objected in granting bail to the applicant.

Having considered the submission of learned counsel for the parties and the grounds of appeal against the impugned judgment and the sentence imposed against the applicant, prayer for bail is allowed.

Accordingly, the applicant, **Saiful Islam** is directed to be released on furnishing bail bond of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the learned **Special Judge, Udalguri** on the following

conditions:

- (i) That the applicant shall not make any threat to the victim or her family members till disposal of the connected criminal appeal while on bail.

The operation of impugned judgment dated 31.07.2024 passed by the learned Special Judge, Udalguri in connection with Special (POCSO) Case No. 37/2022 shall remain suspended during pendency of the connected appeal.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant