

GAHC010171232023



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

Case No. : I.A.(CrI.)/768/2023

MOMINUR SK @ ALI @ AMINUR ALI
S/O MD BHOLA SK, VILL.- BANIAMARI, P.O.- SAHEB GANJ, P.S.-
GOLAKGANJ, DIST.- DHUBRI, ASSAM, PIN- 783331.

VERSUS

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

2:MUSSTT. MESERBHAN KHATOON
W/O NOOR MOHAMMAD MIA

D/O MD SIRAJUL HAQUE

VILL.- MUWAMARI PART- II
P.O.- DAHALPUR
P.S.- KAJIGAON
DIST.- KOKRAJHAR
ASSAM
PIN- 783334

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.A./312/2023

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S/O MD BHOLA SK

VILL.- BANIAMARI

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Advocate for : MD B ISLAM

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

30.01.2024

1. Heard Mr. T.J. Mahanta, learned Senior Counsel assisted by Mr. A.Z. Ahmed

for the applicant/appellant. Also heard Ms. A. Begum, learned Addl. P.P. for the State respondent.

2. This is an application filed under Section 389 Cr.P.C of the Code of Criminal Procedure, 1973 for suspension of sentence and for releasing the applicant on bail.

3. Mr. Mahanta, learned Senior Counsel for the applicant submits that the applicant was on bail during the course of trial and never misuse the liberty of bail granted to him.

4. I have considered the submissions made at the Bar and perused the material available on record.

5. I have also perused the grounds for suspending the execution of sentence in judgment and order dated 07.07.2023 passed by the learned Assistant Sessions judge, Kokrajhar, in Sessions Case No. T2/146/2017 in connection with Kazigaon Police Station Case No. 56/2014. The grounds appear to be sufficient.

6. Accordingly, the sentence passed in the judgment and order dated 07.07.2023 shall remain suspended until the disposal of the connected criminal appeal and till then, the appellant will be allowed to go on bail.

7. Accordingly, the appellant/applicant shall be allowed to go on bail on furnishing of Rs. 60,000/- with one surety of like amount to the satisfaction of the learned Sessions Judge, Kokrajhar, subject to the following conditions,

i) The applicant/appellant shall refrain from such activities with which he is alleged,

(ii) the applicant/appellant shall not leave the jurisdiction of the jurisdictional Court without prior permission.

8. With the above observation, this interlocutory application stands allowed.
9. This disposes of the interlocutory application.

JUDGE

Comparing Assistant