

GAHC010192552023



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

Case No. : I.A.(CrI.)/786/2023

MOHESH ORANG @ SANJAY @ MOHESH URANG
S/O GORDIAL URANG,
R/O BETONI PATHAR GAON,
P.S.- SARUPATHAR,
DIST.- GLAGHAT, ASSAM, PIN- 785601.

VERSUS

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

2:KARUN CHANDRA LAHKAR

S/O LT. ANANTA CHANDRA LAHKAR
R/O WARD NO.- 2
SARUPATHAR TOWN
P.O. AND P.S.- SARUPATHAR
DIST.- GOLAGHAT
ASSAM
PIN- 785601

Advocate for the Petitioner : MR. J BARMAN

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.A./248/2022

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S/O GORDIAL URANG

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

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

01.03.2024

Heard Mr. J Barman, learned counsel for the applicant. Also heard Mr. DP Goswami, learned Additional Public Prosecutor, Assam for the State respondents.

2. This is an application under Section 389(1) Cr.P.C. praying for granting bail to the applicant, Mohesh Orang @ Sanjay @ Mohesh Urang by suspending sentence passed vide judgment and orders dated 14.06.2022 and 23.06.2022 by the learned Sessions Judge, Golaghat in Session Case No. 204/2014, whereby the applicant was convicted under Section 392 IPC and sentenced him to undergo rigorous imprisonment for 7(seven) years with fine of Rs.5000/- and in default, RI for one month and under Section 27(2) of Arms Act to suffer rigorous imprisonment for five years with fine of Rs.5000/- and in default RI for one month. Both the sentences were directed to run concurrently.

3. The learned counsel for the applicant submits that the petitioner had been detained in custody for more than 2 years. He was in bail during trial of the case and he had never misused the liberty granted to him during the bail period. It is also submitted that there are lots of contradictions in the evidence of the witnesses and there is every possibility of acquittal of the applicant in the case. Considering these aspects, the applicant be released on bail during pendency of the connected appeal.

4. On the other hand, Mr. DP Goswami, learned Additional Public prosecutor submits that the sentence imposed on the petitioner is for seven years and he had completed more than half of his sentence under detention and, therefore, bail may be granted during pendency of the appeal.

5. I have considered the submissions made by the learned counsel for the parties.

6. In view of the above, the prayer of the applicant is allowed. Accordingly, it is provided that pending disposal of the connected Criminal Appeal No.248/2022 the operation of the sentence passed vide judgment and order dated 14.06.2022 and 23.06.2022 by the learned Sessions Judge, Golaghat in Session Case No. 204/2014 shall remain stayed. The applicant above-named, shall be released on

bail of Rs.40,000/- (Rupees Forty Thousand) with one suitable surety of the like amount to the satisfaction of the learned Sessions Judge, Golaghat.

7. It is further made clear that the learned Sessions Judge, Golaghat shall be at liberty to impose any condition(s) while releasing the applicant on bail.

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, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant