

GAHC030003952024



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

Case No. : I.A.(Crl.)/29/2024

Gupa Rani Chakma
Kamalanagar-III, Chawngte

VERSUS

Central Bureau of Investigation
Imphal

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent :

Linked Case : Crl.A./25/2024

Gupa Rani Chakma
Kamalanagar-III
Chawngte

VERSUS

Central Bureau of Investigation
Imphal

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER**

Date : 24.06.2024

Heard Mr. B. Lalramenga, learned counsel for the applicant.

2. This is an application filed under Section 389(1) Cr.P.C for suspension/stay of the impugned Judgment & Order dated 17.05.2024 and the Sentence Order dated 20.05.2024 passed by the learned Special Judge, PC Act in SR(PCA) No. 7/2012 arising out of CBI Case No. RCJHG 2010 A0007 under Section 120B r/w 13(1)(c)(d) of the PC Act during the pendency of the connected appeal and for allowing the appellant/applicant to be released on bail pending disposal of the connected appeal which has been admitted as Criminal Appeal No. 25/2024.

3. The learned counsel for the applicant submits that since the instant period of sentence on the conviction of the applicant under Sections 420/468/471 r/w 120 B IPC and Section 13(2) and Section 13(1)(c)&(d) of the PC Act to undergo 1 year imprisonment with a fine of Rs. 3 lakhs, i.d. another imprisonment for a term of 9 (nine) months along with the other co-accused persons numbering from A3 to A23.

4. The learned counsel submits that the learned Trial Court vide its Order dated 21.05.2024 in CMA No. 10-12 of 2024 had granted bail to all the accused persons except the instant applicant along with another co-accused Mr. Gunomoni Tong S/o Bina Chandra Tong, since the applicant was absent on the day fixed for hearing of arguments dated 15.05.2024. Due to the absence of the applicant along with co-accused Mr. Gunomoni Tong on 15.05.2024, warrant of arrest was issued against the instant applicant, who was then present before

the Court on 17.05.2024. The learned counsel for the applicant submits that when the applicant appeared before the Court on 17.05.2024, the reason for her absence on 15.05.2024 was explained to the learned Trial Court, which was due to the fact that, the applicant was suffering from septic lacerated wound on her thumb, which had become more serious and a medical certificate was duly produced before the learned Trial Court. However, the learned Trial Court did not consider the submissions made by the applicant explaining her reason for being absent on 17.05.2024 and had refused to grant bail on 21.05.2024 while all the other co-accused persons except for co-accused Mr. Gunomoni Tong were released on bail.

5. The learned counsel for the applicant submits that the applicant may be released on bail since the other co-accused who have been convicted for the same offences have also been granted bail. He further submits that there is no likelihood of the applicant absconding during the pendency of Criminal Appeal No. 25/2024, which has been duly admitted and submits that she is a permanent resident of Kamalanagar-II, Siaha. The learned counsel further submits that from the evidence adduced before the learned Trial Court, there is a likelihood of the applicant to be acquitted in the Crl.A. No. 25 of 2024.

6. Having heard the submissions made by the learned counsel for the applicant, this Court finds that the term of sentence imposed upon the applicant is for a period of 1 year imprisonment with a fine of Rs. 3 lakhs with default clause. This Court has also considered the explanation given by the learned counsel for the absence of the applicant on 15.05.2024, which was the date fixed for hearing of argument for which the learned Special Judge, under P.C

Act, had not granted bail to the applicant. This Court, on perusal of the medical documents enclosed find the reason for the absence of the applicant on 15.05.2024, to be a genuine reason. Thus, this Court also considering the fact that the Criminal Appeal has been admitted, finds it fit to suspend the term of Sentence dated 20.05.2024 passed by the learned Special Judge, P.C Court, and grant bail to the applicant till the disposal of the Criminal Appeal No. 25/2024 with a bail bond amount of Rs. 1,00,000/- (Rupees one lakh) and a surety of the like amount to be supported by Attested copy of EPIC, having permanent residence in Aizawl Municipal area. The convicted persons should not indulge in any form of crime during her bail period.

7. Accordingly, I.A.(Crl.) No. 29/2024 stands allowed and disposed of.

JUDGE

Comparing Assistant