

GAHC030004252024



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

Case : I.A.(Crl.)/31/2024

Ranga Mohan Chakma
Kamalanagar-II
Chawngte
Lawngtlai District

VERSUS

Central Bureau of Investigation
Imphal

Advocate for the Petitioner : Mr B Lalramenga
Advocate for the Respondent :

Linked Case No. : Crl.A./26/2024

Ranga Mohan Chakma
Kamalanagar-II, Chawngte, Lawngtlai District

VERSUS

Central Bureau of Investigation
Imphal

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent :

**B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R**

01.07.2024

Heard Mr. A. Bora, learned senior counsel for the applicant/petitioner assisted by Mr. B. Lalramenga, learned counsel.

The instant petition/application is filed under Section 389(1) Cr.P.C for the suspension/stay of the impugned Judgment & Order dated 17.05.2024 and the impugned Order dated 20.05.2024 passed by the Special Judge, Prevention of Corruption Act, Mizoram, Aizawl in SR (PCA) No.07 of 2012 arising out of CBI Case No. RCGHG 2010 A0007 under Section 120B read with Section 4210/468/471 IPC and under Section 13(2) read with Section 13(1)(c), (d) of the PC Act, 1988 during the pendency of the connected appeal which has been admitted and to allow the appellant to go on bail pending disposal of the connected appeal.

The learned counsel for the appellant submits that the instant applicant is convicted under section 420/468/471 IPC r/w Section 120B IPC & Section 13(2) & section 13(1)(c) & (d) of the P.C. Act r/w section 120B IPC and sentenced to undergo 4 years imprisonment with a fine of Rs.3 lakhs with default clause and submits that he may be released on bail since he is innocent of the charges under which he has been convicted. The learned Sr. counsel submits that the evidence on record especially the evidence adduce by the case I/O PW No.4 and PW No. 8 before the learned Special Judge shows that the instant appellant/petitioner is not guilty of the offence for which he has been convicted which would be proved during hearing of the Criminal appeal No.26/2024.

The learned counsel further submits that in the instant case as many as 23

accused persons were involved and convicted wherein, the other 22 convicted persons have been released on bail, however, the instant applicant/petitioner has not been granted bail since his term of sentence was 4(four) years while the other co-accused were sentenced to undergo imprisonment for only 1 (one) year.

The learned counsel further submits that there is no likelihood of the instant petitioner/appellant to abscond during the pendency of the Criminal appeal since he is a permanent resident of Lawngtlai District and has attached the Aadhar Card in the instant application.

The learned counsel further submits that the instant petitioner is now 66 years of age and being innocent of the charged it would be greatly injustice if the petitioner is kept in jail custody before the disposal of the Criminal appeal.

Having heard the submission made by the learned counsel for appellant, this court find it fit to suspend the Sentence Order dated 20.05.2024 passed by the Special Judge, Prevention of Corruption Act on perusal of the grounds highlighted in the appeal in CrI.A. 26 of 2024 and on perusal of the depositions of PW-4 & PW-8 before the Special Judge and also considering the fact that the petitioner is 66 years of age and a permanent resident of Lawngtlai. Accordingly, the instant applicant is allowed to be released on bail with a bail bond of Rs.1,00,000/- with one reliable surety who shall be to the satisfaction of the learned trial court.

Accordingly, I.A. is allowed and disposed of.

JUDGE

Comparing Assistant