GAHC010136572026

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

Case No. : I.A.(Crl.)/894/2026

SRI KHANJAN KALITA
S/O SRI GAJEN CHANDRA KALITA
R/O-BARJALAH
MILANPUR P.S.- TANGLA
DISTRICT- UDALGURI
BTR
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM
GAUHATI HIGH COURT
GUWAHATI-781001 NEW DELHI-1

2:SRI TARANGA MAHANTA
S/O.- LATE SEVAK MAHANTA R/O.- BARJALAH
MILANPUR P.S.- TANGLA
DISTRICT- UDALGURI BTR ASSAM.

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

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

03.09.2026

Heard Mr J P Gogoi, learned counsel for the applicant. Also heard Mr D P

Goswami, learned Additional Public Prosecutor for the State of Assam.

2. By this application the applicant has prayed for granting bail to the petitioner, who is serving out his sentence vide judgment and order dated 23.04.2026, passed by the learned Sessions Judge, Udalguri, by which the applicant was convicted under Section 138 of the NI Act, and was sentenced to undergo SI for one year with a fine of Rs. 4 lacs as compensation along with a default clause. The applicant has filed a criminal revision petition challenging the said judgment and order and the said revision petition was registered and numbered as Criminal Revision Petition No. 404 of 2026. During the hearing of the criminal revision petition, this Court had, by order dated 13.08.2026, had suspended the operation of the impugned Judgment and Order dated 18.09.2025, passed by the learned CJM, Udalguri, as well as the judgment and order dated 23.04.2026, passed in Criminal Appeal No. 43/2025.

3. The learned counsel for the applicant submits that although the sentence has been suspended, but the applicant was not enlarged on bail. As such, the interlocutory application was filed for allowing the applicant for releasing him on bail in pursuance of the suspension of the sentence allowed by this Court vide order dated 13.08.2026.

4. It is noticed that the CJM, Udalguri, vide order dated 18.09.2025, had convicted the appellant under Section 138 of the NI Act, and sentenced him to undergo SI for 1 year with fine of Rs. 4 lacs as compensation with the default clause and the appellate Court

vide order dated 23.04.2026, had upheld the order of the learned CJM, Udalguri, and the sentence of the petitioner was to the extent of SI for 1 year with fine of Rs 4 lacs as compensation. It is seen that the sentence is suspended and as such, the petitioner be allowed to go on bail till the disposal of the criminal revision petition being CRP No. 404 of 2026. The applicant is, as such, enlarged on bail, on furnishing a bail bond of Rs 20,000/-, with one local surety of the like amount to the satisfaction of learned Sessions Judge, Udalguri.

5. The Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant