GAHC010259352026

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

Case No. : Crl.A./420/2026

SMTI YAMKEY NAMPHU
D/O LT. SIJEN NAMPHU, RESIDENT OF LONGBO, P.O.- AND P.S.- KHONSA,
DISTRICT- TIRAP, DISTRICT- ARUNACHAL PRADESH. PIN-786630

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, B S OZAH,MR. P BORDOLOI

Advocate for the Respondent : PP, ASSAM,

Linked Case : I.A.(Crl.)/1192/2026

SMTI YAMKEY NAMPHU
D/O LT. SIJEN NAMPHU
RESIDENT OF LONGBO
P.O.- AND P.S.- KHONSA
DISTRICT- TIRAP
DISTRICT- ARUNACHAL PRADESH. PIN-786630

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR. P J SAIKIA
SR. ADV
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HONOURABLE MR. JUSTICE PRANJAL DAS

O R D E R

25.11.2026

Heard Mr. P. Bordoloi, learned counsel for the applicant/appellant. Also heard Mr. B. Sarma, learned Addl. P.P. for the respondent.

2. In the context of the aforesaid appeal, the applicant/appellant has filed this interlocutory application, invoking under Section 430 (1) of the BNSS for suspension of sentence and bail pending disposal of the appeal.

3. It is contended and submitted by Mr. P. Bordoloi, the learned counsel that in the context of the substantive sentence of three years RI, the applicant is already in custody serving out the sentence since 16.07.2025 constituting about 16 months.

4. The learned Additional P.P., Mr. Sharma submits that perhaps, the prayer for suspension of sentence and bail may be rejected at this stage.

5. I have given my consideration to the matter. Considering the nature of the sentence; the period already undergone; and the fact that there might not be immediate prospect of disposal of this single Bench criminal appeal – I am of

the considered view that power under Section 430 (1) BNSS should be exercised in favor of the applicant/appellant.

6. In such view of the matter, in exercise of powers under 430 (1) BNSS, the execution of the order of sentence dated 12.10.2026 passed by the learned Additional Sessions Judge, Dibrugarh in Sessions Case No. 229/2025 is hereby **suspende**d during the pendency of this appeal.

7. Further, the appellant is hereby allowed to go on bail of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned trial Court and subject to the following conditions:-

(i) She shall not abscond.

(ii) She shall be available to receive the appellate judgment

(iii) She shall not intimidate or harass or harm any of the witnesses who might have deposed during the trial.

8. Violation of the bail conditions could entail cancellation of the bail.

9. The IA stands allowed and disposed of.

JUDGE

Comparing Assistant