

GAHC010001772026



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

Case No. : I.A.(Crl.)/8/2026

KANAK KALITA ALIAS KANAK CH. KALITA
S/O LATE SUKHNARAM KALITA, VILL. NIZ SALDAH, P.S. SARTHEBARI,
DIST. BARPETA, ASSAM.

VERSUS

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

2:SMTI SABITA DAS
W/O SRI MUKUT DAS
VILL. NIZ SALDAH
P.O. BANGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM. PIN 78137

Advocate for the Petitioner : MR. R ALI, MISS. S PARBIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

Linked Case : **Crl.A./4/2026**

KANAK KALITA ALIAS KANAK CH. KALITA
S/O ATE SUKHNARAM KALITA
VILL. NIZ SALDAH
P.S. SARTHEBARI
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W/O SRI MUKUT DAS
VILL. NIZ SALDAH
P.O. BANGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM. PIN 781375

Advocate for : MR. R ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

23.02.2026

Heard Mr. H.A. Ahmed, learned counsel for the applicant. Also heard Mr. B. Sharma, learned Addl. Public Prosecutor appearing for the State.

This Interlocutory Application is being filed for suspension of sentence and subsequent bail for the applicant who has been convicted under Section 8 of the POCSO Act and was sentenced to undergo R.I. for three (3) years with fine and default stipulation.

Subsequent to the said Judgment & Order dated 19.12.2025, an order was passed on the same day by the Special Judge (POCSO), Barpeta under Sub

Section 3 of Section 430 which provides that the Convicting Court may release a convict on bail who is sentenced to imprisonment for a term not exceeding three years after convict satisfies the Court that he will file an appeal before the higher Court and he be released on bail unless there are special reasons for refusing bail and that said convict could be given sufficient time to present the appeal and obtain orders from the Appellate Court under Sub Section 1 and the sentence so long he is so released on bail be suspended.

In the instant case, the learned Appellate Court vide Order dated 19.02.2025 have allowed the petitioner to go on bail till the next date i.e., 19.01.2026 and that on 19.01.2026, the bail order was extended till 25.02.2026.

In the instant case, the petitioner was convicted under Section 8 of the POCSO Act and was sentenced for a period of three (3) years and he has filed appeal before the High Court against the said Judgment on various ground mentioned therein.

In view of the grounds and in view of the incarceration period to be of only three (3) years, this Court finds it fit to suspend the sentence given vide Judgment & Oder dated 19.12.2025 passed in POCSO Case No. 30/2022 passed by the Court of Additional Sessions Judge -Cum- Special Judge (POCSO), Barpeta and release the petitioner on bail during the pendency of the present

appeal.

As such, this Court directs that the petitioner be released on bail on furnishing of bail bond of Rs. 20,000/- with two (2) local sureties of the like amount to the satisfaction of Special Judge, POCSO for the ends of justice.

I.A. is disposed of.

JUDGE

Comparing Assistant