

GAHC040002562024



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

IA(Crl)/12/2024

Malung Panyang
Age: 59
Occupation :
Address: Son of Late Tayam Panyang
resident of Ledum village
PO Bilat
PS Ruksin
East Siang District
Arunachal Pradesh

VERSUS

The State of AP and Anr
Age: 0
Occupation :
Address: represented by the PP
2:XXX
Age: 0
Occupation :
Address: D/o Shri Ocean Gao
resident of Bilat Village
PO Bilat
PS Ruksin
East Siang District
Arunachal Pradesh

Advocate for : Amy Talom
Advocate for : P P of AP appearing for The State of AP and Anr: Advocate , appearing
for 2, respectively.

-BEFORE-
HON'BLE MR. JUSTICE BUDI HABUNG
ORDER

23.07.2026

Heard Mr. N. Pada, learned counsel for the applicant/ appellant. Also heard Ms. L. Hage, learned Addl. PP for the State and Mr. S. Yirang, learned counsel appearing for the victim/respondent No. 2.

2. This is an application under Section 389 of the Code of Criminal Procedure, 1973, seeking suspension of the sentence imposed upon the applicant/ appellant vide judgment and order dated 22.09.2023 passed by the learned Special Judge (POCSO) in PSG SC (POCSO) Case No. 09/2018 and for his release on bail during the pendency of the connected appeal.

3. It is submitted that the applicant/ appellant has been convicted and sentenced to undergo R.I. for a period of 3 (three) years and 6 (six) months with a fine of Rs.10,000/- and in default of payment of fine, further to undergo S.I. for another 3 (three) months.

4. It is further submitted that the applicant/ appellant has already undergone incarceration for about 2 years 10 months. The learned counsel for the applicant/appellant submits that considering the pendency of the appeal before this Court since the year 2024, it is unlikely that the present appeal would be taken up for final hearing in the immediate near future. Accordingly to the appellant, the appeal is likely to take longer time for final disposal. Therefore, the learned counsel for the applicant/ appellant prays that the present Interlocutory Application be considered and disposed of for the interest of justice.

5. The learned Addl. PP Ms. L. Hage submits that since the hearing of the matter is likely to take some more time, she has no objection if the prayer of the applicant/ appellant for suspension of the sentence and prayer for grant of bail is considered.

6. The learned counsel appearing for the victim/ respondent No. 2 Mr. S. Yirang while supporting the submission of the learned Addl. PP, submits that since the victim and the accused are relatives and the case was registered due to some serious misunderstanding, he has no objection if the prayer of the applicant/ appellant is considered.

7. Upon hearing the submissions of the learned counsel for the parties, the period of sentence awarded to the applicant/ appellant and also considering the fact that the applicant/ appellant has already undergone substantial part of the sentence and taking into account that the appeal is likely to take some longer time for final disposal, and there being no objection from either the State or the victim side, this Court is of the considered view that the applicant/ appellant has made out a fit case for suspension of the sentence pending disposal of the appeal.

8. Accordingly, the substantive sentence imposed upon the applicant/ appellant vide the judgment and order dated 22.09.2023 passed by the learned Special Judge (POCSO), East Siang District, Pasighat shall remain suspended during the pendency of the appeal.

9. Further, the applicant/ appellant is directed to be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with surety of like amount to the satisfaction of the learned Special Judge

(POCSO), East Siang District, Pasighat subject to the following conditions:-

(i) that the applicant/ appellant shall appear before this Court as and when directed;

(ii) that the applicant/ appellant shall furnish his current address and mobile phone numbers to the Investigating Officer as well as to the Registry of this Court. He shall also intimate any change of his address, forthwith.

(iii) that the applicant/ appellant shall not leave the State of Arunachal Pradesh without prior information to the Registry of this Court.

10. In the event of violation of any of the above conditions, the State shall be at liberty to seek cancellation of bail.

11. The fine, if not, already deposited, shall be deposited before the Trial Court within 6 (six) weeks from the date of his release, failing which the respondent shall be at liberty to seek appropriate order.

12. With the above, this Interlocutory Application stands allowed and disposed of.

CHECKED & VERIFIED

Digitally signed by
Talom Tali
Date: 2026.07.24
17:51:03 +05'30'

JUDGE