

**HIGH COURT OF SIKKIM**

Record of proceedings

**Crl. Appeal No.10 of 2019**

YABESH RAI

.... APPELLANT

VERSUS

STATE OF SIKKIM

.... RESPONDENT

Date:11.06.2019

CORAM

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Appellant : Mr. Anjan Sharma and Mr. Nirmal Kr. Bardewa,  
Advocates.

For Respondent : Mr. Thupden Youngda, Additional Public Prosecutor  
with Mr. S. K. Chettri, Assistant Public Prosecutor.

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**I.A. No. 01 of 2019**

This is an application under Section 389 (1) of the Code of Criminal Procedure, 1973 (Cr.P.C.) for suspension of sentence pending the appeal as well as for release of the Appellant on bail. The Appellant has been convicted by the learned Trial Court under Section 279/323/342 and 506 of the Indian Penal Code, 1860 (IPC) the period of imprisonment for each of these offences is six months. It has been directed that the sentences shall run concurrently.

Heard Mr. Anjan Sharma, learned Counsel for the Appellant and Mr. S. K. Chettri, learned Counsel for the Respondent.

The learned Counsel for the Appellant submits that the Appellant was on bail throughout the trial and never misused the liberty so granted. The learned Trial Court had suspended the sentence vide order dated 30.03.2019 with the direction to produce certified copy of the order passed in appeal. It is asserted that the

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Appellant shall not abscond in the event that the Appellant is granted bail. The learned Counsel for the Appellant further submits that all the offences for which the Appellant has been convicted for are bailable offences.

Mr. S.K. Chettri for the State submits that since the offences are all bailable he has no objection. However, the Appellant must be present during the hearing of the present appeal.

In view of the fact, that the Appellant has been convicted for offences which are all bailable, that the maximum punishment for which he is required to undergo is six months only and the appeal having been admitted, the application is allowed. The sentence dated 30.03.2019 is suspended. The Appellant shall be released on bail by the learned Trial Court on its satisfaction. The Appellant shall be personally present on each hearing before this Court. The I.A. No. 01 of 2019 stands disposed.

**Judge**  
11.06.2019