

Bail Appln. No. 1/2017

Santosh Kumar Gurung
vs.
District Collector, East Sikkim & Another

BEFORE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

2. 28.04.2017 Present: Mr. Manish Kr. Jain, Advocate for the Petitioner.

Mr. Karma Thinlay, Addl. Public Prosecutor with Mrs.
Pollin Rai, Asst. Public Prosecutor, for the State-
Respondent No.1.

1. Heard learned Counsel for the Petitioner and the Respondent No.1.

2. It is submitted by learned Counsel for the Petitioner that the Petitioner had been convicted in Criminal Appeal No. 07 of 2015 under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881, by the learned Court of Sessions Judge, East Sikkim at Gangtok. The Petitioner was sentenced to undergo Simple Imprisonment for a term of one year and to pay a fine of Rs.15,00,000/- (Rupees fifteen lakhs) only, in default thereof, to undergo Simple Imprisonment for a period of one year. That, the Petitioner has been hospitalized in STNM Hospital on 27.04.2017 due to various ailments. That in fact, due to a serious skin condition he had been referred to Apollo Hospital at New Delhi, where he was undergoing treatment. That apart, it is also submitted that efforts are being made to reach an amicable settlement with the Respondent No.2, for which purpose, the Petitioner is required to be out on bail to work out modalities of such settlement. It is urged that the Accused/Petitioner will not

abscond, as he is a responsible citizen, a Sikkimese by birth and has a permanent home here, hence the prayer for Bail.

3. Learned Additional Public Prosecutor submits that on consideration of the health condition of the Petitioner and in view of the fact that the Petitioner and the Respondent No.2 seek to reach an amicable settlement, there is no objection to the Petition for Bail.

4. I have carefully considered the submissions of learned Counsel and given due consideration thereof, upon which, I am of the considered opinion that the Petitioner may be enlarged on Bail.

5. In the end result, the Petitioner be enlarged on Bail on furnishing SB & PB of Rs.25,000/- (Rupees twenty-five thousand) only, with one solvent surety to the satisfaction of the learned Sessions Judge, East Sikkim at Gangtok.

6. The Bail Application is accordingly allowed and stands disposed of.

7. Copy of this Order be sent to the Learned Sessions Judge, East Sikkim at Gangtok.

8. Certified copies be made available to the parties as per the Rules.

Judge
28.04.2017

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~
ds/bp