



ITEM NO.17

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCriminal Appeal No(s). 122/2020

MD DULALUDDIN

Appellant(s)

VERSUS

THE STATE OF ASSAM &amp; ANR.

Respondent(s)

(IA No. 83552/2021 - GRANT OF BAIL)

Date : 23-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. Somiran Sharma, AOR

For Respondent(s) Mr. Shuvodeep Roy, AOR  
Mr. Kumar Arnav Singh Deo, Adv.

Mr. Amarjeet Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E RIA No. 83552/2021

1. Though the appeal is listed for hearing, considering the matter that the older appeals are pending before this Court and have been listed in the regular hearing list today, we are not in a position to take up this appeal for a detailed consideration though, this Court while granting leave, had expedited the hearing. The learned counsel for the appellant at this stage, submits that the appellant is in custody and if the appeal cannot be heard at this stage, the appellant be granted bail.

2. Learned counsel for the respondent-State of Assam would

however, oppose the prayer for bail on the ground that the bail has been refused on the first date of hearing and post conviction, since the appellant has hardly served the sentence of about three years, there would be no justification for grant of bail.

3. In the light of the rival contentions, having perused the papers and keeping in view the fact that the appellant was on bail during trial and on being convicted, has subjected himself to custody and in the facts and circumstances of the present case, we deem it appropriate to suspend the sentence and direct that the appellant be released on bail pending consideration of this appeal.

4. The appellant shall be produced before the jurisdictional Sessions Court forthwith, whereupon, the learned Judge of the Trial Court shall impose appropriate conditions so as to secure the presence of the appellant when required and if, ultimately the appellant has to undergo the sentence. While imposing such conditions, the Trial Court shall also impose such conditions so that the appellant report before the Jurisdictional Police Station on the time to be fixed by the Trial Court.

5. The appeal shall now be listed for hearing in usual course.

6.. The *IA No. 83552/2021* is disposed of accordingly.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)