

THE HIGH COURT OF SIKKIM : GANGTOK

(Criminal Appellate Jurisdiction)

DATED : 13th August, 2025

DIVISION BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

I.A. No. 02 of 2025 in CRL.L.P/6/2025(Filing No.)

Appellant/Petitioner : State of Sikkim

versus

Respondent : Topden Thendup Lachungpa

Application under Sections 439 of the
Code of Criminal Procedure, 1973

Appearance

Mr. Yadev Sharma, Additional Public Prosecutor with Mr. Sujan Sunwar, Assistant Public Prosecutor for the State-Appellant/Petitioner.

Mr. Jorgay Namka, Senior Advocate (Legal Aid Counsel) with Ms. Mingma Lhamu Sherpa, Advocate (Legal Aid Counsel) for the Respondent.

ORDER (ORAL)

Meenakshi Madan Rai, J.

1. Heard Learned Senior Counsel for the Respondent on I.A. No.02 of 2025, which is an application under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter, "Cr.P.C.") seeking Bail. He submits that the Respondent was unable to appear before the Court on the date fixed as he was of the belief that the matter was posted on 06-06-2025, whereas it was taken up on 02-06-2025 and NBWA issued against him. His incarceration will prejudice his family members as he is the only earning member in his family. That, if enlarged on Bail, he will not abscond or flout any of the Bail conditions.
2. Learned Additional Public Prosecutor has no objection to the Bail Petition.

3. Having heard and considered the grounds put forth, we are of the view that this is a fit case where Bail can be granted. The Respondent be enlarged on Bail, subject to the following conditions;

- (i) *The Applicant shall furnish Personal Bond of ₹ 10,000/- (Rupees ten thousand) only, with one solvent surety in the like amount, to the satisfaction of the Court of the Learned Special Judge (POCSO Act, 2012), at Mangan, Sikkim.*
- (ii) *He shall, however not leave the State without the prior permission of the Court of the Learned Special Judge (POCSO Act, 2012), at Mangan, Sikkim.*
- (iii) *He shall appear before this Court as and when required.*

4. The observations made while disposing of this I.A. shall in no manner to be construed as findings on the merits of the Appeal.

5. I.A. No.02 of 2025 is allowed and disposed of accordingly.

6. Copy of this Order be made over to the Court of the Learned Special Judge (POCSO Act, 2012), at Mangan, Sikkim, for information and compliance.

7. Copy of this Order be forwarded to the Jail Authority, State Central Prison, Rongyek, Gangtok, for information.

(Bhaskar Raj Pradhan)
Judge
13-08-2025

(Meenakshi Madan Rai)
Judge
13-08-2025

Approved for reporting : **Yes**