

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No.08 of 2022

Amar Choudhary @ Amar Chaudhary ... Appellant

Versus

The State of Jharkhand ... Respondent

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

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For the Appellant : Mr. S.K. Pandey No.2, Adv.

For the State : Mr. Pankaj Kumar, APP

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I.A. No.272 of 2022

07/15.09.2022: Heard learned counsel for the appellant and learned counsel for the State on the interlocutory application filed by the appellant, for suspension of sentence and release on bail during the pendency of this appeal.

The appellant has been convicted for the offence under Sections 413 and 414 of the Indian Penal Code and has been maximum sentenced to undergo rigorous imprisonment for seven years with fine.

At the very outset, it has been submitted that neither any criminal antecedent nor proof of disposing of any stolen property has been brought on record against the appellant and as such, Section 413 of the Indian Penal Code is not made out. So far as Section 414 of the Indian Penal Code is concerned, it has been submitted that the appellant has remained in custody for one year out of sentence of two years rigorous imprisonment imposed by the trial court. On the above basis, prayer for suspension of sentence has been made.

Learned A.P.P. has opposed the prayer for suspension of sentence.

Considering the fact that ingredient of Section 413 of the Indian Penal Code is not made out and further, the appellant has remained in custody for one year, I am inclined to suspend the sentence and to release the appellant on bail. Accordingly, the appellant, above named, is directed to be released on bail, during the pendency of the appeal, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of learned District & Addl. Sessions Judge-III, Koderma, in Sessions Trial No.3 of 2016.

The Trial Court below however, before issuing the release order, shall satisfy itself that the appellant has remained in custody for one year and if this statement is found to be incorrect, the release order shall not be issued and the matter shall be reported to this Court.

This interlocutory application is accordingly, allowed with the directions, as above.

(Rajesh Kumar, J.)