

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 07 of 2022

Guddu Gupta ... Appellant
Versus
The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. S.P. Roy, Advocate
For the State : Mr. Anup Pawan Topno, APP

The matter was taken up through Video Conferencing. Learned counsel for the parties had no objections with it and submitted that the audio and video qualities are good.

I.A. No.271 of 2022

03/21.02.2022: 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 Section 354 of the Indian Penal Code and Section 8 of the POCSO Act and has been sentenced to undergo rigorous imprisonment for four years with fine for the offence under Section 8 of the POCSO Act.

It has been submitted by the counsel for the appellant that the appellant was all along on bail and the allegation is motivated and further contradiction has been pointed out in the statements of the witnesses. No evidence has been brought on record regarding age of the victim girl although she is getting institutional education. On the above basis, prayer has been made for suspension of the sentence.

Counsel for the State has opposed the prayer for suspension of sentence.

Considering the materials available on the record and the attending facts and circumstances of the case, 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 Special Judge (POCSO), Godda in connection with Special (POCSO) Case No.28 of 2016, arising out of Meharna P.S. Case No.60 of 2016 (G.R. No.708 of 2016).

This interlocutory application is accordingly, allowed.

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Admit.

Issue notice.

Call for the Lower Court Records.

(Rajesh Kumar, J.)