

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 11 of 2020

Sumesh Jaiswal Appellant

Versus

The State of Jharkhand Respondent

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Appellant : Mrs. J. Mazumdar, Advocate

For the Respondent : Mrs. Lily Sahay, A.P.P.

3/26.02.2020 I. A. No. 130 of 2020:

Heard Mrs. J. Mazumdar, learned counsel for the appellant and Mrs. Lily Sahay, learned A.P.P. for the State.

This application has been preferred by the appellant with a prayer for grant of bail to the appellant during the pendency of this appeal.

The appellant has been convicted for the offence under Section 376 of I.P.C. and has been sentenced to undergo rigorous imprisonment for 7 years.

It appears that the appellant had developed a relationship with the victim from the year 2010 which continued and on the pretext of marriage, the appellant is said to have established physical relationship with the victim. However, denial for marriage on the part of the appellant finally led to institution of the FIR by the victim. It appears that at the time when she had developed her intimacy with the appellant, she was a major which continued for a period of about 4 years. The victim being a major lady was well aware about the consequences of establishing physical relationship with the appellant, but she continued to do so and ultimately on account of purported denial on the part of the appellant for solemnizing marriage, the FIR was instituted.

Some of the witnesses who were examined in course of trial have supported the fact regarding the intimacy between the appellant and the informant. The appellant in total has remained in custody for a period of 8 months.

Regard being had to the aforesaid facts, during the pendency of this appeal, the appellant above named is directed to be released on bail

on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the Additional Judicial Commissioner VI, Ranchi in connection with S. T. No. 560 of 2017 arising out of Chutia P. S. Case No. 32 of 2017 corresponding to G. R. No. 685 of 2017.

I.A. No. 130 of 2020 stands allowed and disposed of.

(Rongon Mukhopadhyay, J)