

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.Appeal (S.J.) no. 25 of 2019

Md. Ismail Ansari

...Appellant

-V e r s u s-

The State of Jharkhand

... Respondent

CORAM: - HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant:- Mr. Gautam Kumar, Advocate

For the State :- A.P.P.

3/11.04.2019

I.A. No. 261 of 2019

The present interlocutory application has been filed on behalf of the appellant under Section 389(1) of Cr.P.C. for suspension of sentence awarded to the appellant vide order dated 01.12.2018 passed by the learned Trial Court and his release on bail during pendency of the present appeal.

Learned counsel for the appellant submits that the appellant has been erroneously convicted under Sections 370(2) of the I.P.C. by the learned Trial Court without appreciating the materials on record in true perspective. The learned Trial Court failed to appreciate that P.W.2 who was said to be co-victim of the case, did not support the case of the prosecution and was declared hostile. It is further submitted that the testimony of P.W.1- Surji Paharin (the mother of the victim) is too vague to be relied upon for holding the appellant guilty of the alleged offence.

Learned A.P.P. opposes the appellant's prayer for suspension of sentence and his release on bail.

Having heard the learned counsel for the parties and on perusal of the L.C.R., the execution of sentence awarded by the learned Trial Court vide order dated 01.12.2018 shall remain suspended during pendency of the present appeal.

Accordingly, the appellant, above named, is directed to be released on bail during pendency of the present appeal on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each, to the satisfaction of the learned Principal Sessions Judge, Pakur in connection with Sessions Trial No. 45 of 2017 with further condition that the appellant shall deposit half of the fine amount before the learned Trial Court in terms with the order of sentence awarded by the said court.

I.A. No. 261 of 2019 stands disposed of.