

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.48 of 2019

Rajendra Singh Kharwar. Appellant.
-Versus-
The State of Jharkhand. Respondent.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Surendra Pd. Sinha, Advocate
For the State : Mr. Ashok Kumar No.2, APP

Order No.06

Date: 17.05.2019

I.A. No.587 of 2019:

The present interlocutory application has been filed for suspension of sentence awarded to the appellant vide order dated 3rd August, 2018 passed by the learned Trial Court and for grant of bail during pendency of the present appeal.

Learned counsel for the appellant submits that the appellant has been erroneously convicted by the Trial Court under Sections 148, 353, 307/149 & 120B of the Indian Penal Code; Section 27 of the Arms Act; and Section 17 of the Criminal Law Amendment Act. It is further submitted that the appellant was remanded in the present case on 24th October, 2008 and was released on bail on 18th July, 2013 and during the said period, he remained in judicial custody in connection with the present case for four years and nine months. Thereafter, the appellant was apprehended in some other case and he was remanded in the present case also on 12th April, 2017 and since then he is in judicial custody. Thus, the appellant has remained in judicial custody in connection with the present case for about six years nine months out of the maximum sentence of seven years awarded by the Trial Court. In view of the said fact, the sentence awarded to the appellant by the learned Trial Court may be suspended and he may be released on bail during pendency of the appeal.

The learned APP though opposes the prayer of the appellant for suspension of sentence and his release on bail during pendency of the appeal, yet accepts the fact that the appellant has remained in judicial custody for about six years and nine months in connection with the present case.

Having heard learned counsel for the parties and on consideration of the materials on record as well as keeping in view that the appellant has been in judicial custody in connection with the present case for about six years and nine months out of the maximum sentence of seven years, the execution of the sentence awarded to the appellant by the learned Trial Court vide order dated 3rd August, 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 learned Additional Sessions Judge-I, Garhwa in connection with Sessions Trial No.186 of 2009.

I.A. No.587 of 2019 stands disposed of.

(Rajesh Shankar, J.)

Sanjay/