

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.87 of 2019**

Ajit Singh @ Pintu Singh. Appellant.
-Versus-
The State of Jharkhand. Respondent.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Jitendra Shankar Singh, Advocate
For the State : APP

Order No.05

Date: 17.05.2019

I.A. No.921 of 2019:

The present interlocutory application has been filed for suspension of sentence awarded to the appellant vide order dated 11th January, 2019 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 Section 376(1) of the Indian Penal Code without appreciating the materials on record in true prospective. The deposition of the informant-victim (P.W.1) would itself disclose that she was in physical relationship with the appellant for the last three years. She also admitted in her cross-examination that her marriage was solemnized with a boy, namely, Shivam in the year 2007, who divorced her after six months of marriage. The only reason for lodging the present case by the informant is that the appellant subsequently married another lady. Any assault by the appellant on the alleged date of occurrence has not been proved by the prosecution. It is further submitted that the informant-victim is a major lady, who was aged about 27 years on the alleged date of occurrence. The appellant has remained all along on bail during trial and as such, 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 opposes the prayer of the appellant for suspension of sentence and his release on bail during pendency of the appeal.

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Having heard learned counsel for the parties and considering the materials on record, the execution of the sentence awarded to the appellant by the learned Trial Court vide order dated 11th January, 2019 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-II, Latehar in connection with Sessions Trial No.192 of 2013.

I.A. No.921 of 2019 stands disposed of.

Sanjay/

(Rajesh Shankar, J.)