

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No.125 of 2019

Chotu @ Samir AnsariAppellant
Versus
The State of Jharkhand.Respondent

Coram: HON'BLE MR JUSTICE RONGON MUKHOPADHYAY

For the Appellant : Mr. A.K. Kashyap, Sr. Advocate
For the State : None

I.A. No. 1271 of 2019

07/3-2-2020 Heard Mr. A.K. Kashyap, learned senior counsel for the appellant. No one appears on behalf of the State.

This interlocutory application has been preferred by the appellant for grant of bail during pendency of the appeal.

It has been submitted by the learned senior counsel for the appellant that the allegations, which have been levelled in the FIR, have been diluted in view of the evidence of mother of the victim, which has led the trial court to come to a conclusion that no attempt was made in committing the rape upon the informant. It has further been submitted that the appellant has remained in custody since 21.01.2019. Learned senior counsel further submits that no offence under section 10 of the POCSO Act is made out.

The appellant has been convicted for the offence under sections 376D, 511, 341, 323/34 of the Indian Penal Code and Section 10 of the POCSO Act. The maximum sentence, which has been imposed upon the appellant is 6 years rigorous imprisonment for the offence under section 10 of the POCSO Act. The evidence of P.W-2, who happens to be mother of the informant, has led the trial court to conclude that there was no attempt made to open the cloth of the victim. The appellant has remained in custody for about one year and there is no chance of the appeal being heard in the near future.

Regard being had to the above, the appellant named above, is directed to be released on bail, during pendency of the appeal, on furnishing bail bond of Rs.10,000/- (Ten thousand only), with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Lohardaga in Case No. POCSO 08 of 2017 arising out of Lohardaga Bhandra P.S. Case No. 25 of 2017, G.R. Case No. 161 of 2017.

I.A. No. 1271 of 2019 stands allowed and disposed of.

(Rongon Mukhopadhyay, J)

Rakesh/-