

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (S.J.) No. 151 of 2019

Munna Mandal

... Appellant

Versus

1. The State of Jharkhand

2. Naresh Mandal

... Respondents

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Appellant

: Mr. Jitendra Shankar Singh, Advocate

For the Respondents

: Mr. S. Mahto, A.P.P.

I.A. No. 483 of 2020

13/21.01.2020 Heard Mr. Jitendra Shankar Singh, learned counsel for the appellant who has pressed this interlocutory application which is for grant of bail to the appellant during the pendency of this appeal and opposed by Mr. S. Mahto, learned A.P.P. for the State.

It appears that the appellant was earlier granted provisional bail by this Court vide order dated 09.08.2019 but thereafter since the period had expired, the appellant was directed to surrender vide order dated 04.12.2019. Thereafter, the appellant appears to have surrendered and he is in custody since 16.01.2020. Pressing this interlocutory application, the learned counsel for the appellant has stated that the FIR was lodged by the Chowkidar who has been examined as P.W. - 2 after about eight days from the date of occurrence.

It has further been stated that P.W. - 2 did not support the prosecution case and was declared hostile by the prosecution. Learned counsel for the appellant submits that Panchayat was held during the intervening period between 02.02.2008 and 10.02.2008 in which the mother, maternal uncle and grand-father of the deceased were present and it was decided therein that half of the properties shall be transferred to the child and an amount of Rs. 40,000/- was also handed over.

Learned counsel for the appellant submits that none of the three persons were examined as witnesses by the prosecution. It has further been stated that no post mortem was conducted on the deceased and,

therefore, the prosecution has been unable to prove that the deceased had died an unnatural death.

Learned A.P.P. has opposed the prayer made by the appellant.

The appellant appears to be the husband of the deceased and various contradictions which has been brought to the fore by the learned counsel for the appellant does suggest that several infirmities have not appropriately been considered by the learned trial court. The appellant was already granted provisional bail and pursuant to the order dated 04.12.2019, the appellant was directed to surrender which he has complied.

Considering the aforesaid facts, during the pendency of this appeal, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II, Godda in Sessions Trial No. 204 of 2009.

I.A. No. 483 of 2020 is allowed and disposed of.

(Rongon Mukhopadhyay, J.)