

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.173 of 2019

Ashok Minz @ Laden @ Jagira Minz.	 Appellant.
-Versus-	
The State of Jharkhand.	 Respondent.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant	:	Mr. Darshana Poddar Mishra, Advocate
For the State	:	APP

Order No.04

Date: 17.05.2019

I.A. No.1701 of 2019:

The present interlocutory application has been filed for suspension of sentence awarded to the appellant vide order dated 29th November, 2017 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 386 and 354(A) of the Indian Penal Code and Section 8/12 of the Protection of Children from Sexual Offence Act, 2012 (POCSO Act) without appreciating the materials on record in true prospective. It is further submitted that the learned Trial Court failed to appreciate that even if the prosecution version is believed, no case under Section 354 of the Indian Penal Code and Section 8/12 of the POCSO Act is made out against the appellant. P.W.5- Prabhasini Devi (mother of the victim) admitted in her cross-examination that the accused did not cause injury to the victim. The appellant has remained in judicial custody for more than three years out of the maximum sentence of five years awarded by the Trial Court 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.

Socio-economic status and vocational status as well as criminal antecedent report of the appellant submitted by the Probation Officer, Simdega suggests that socio-economic and vocational status of the appellant is normal and there is no criminal antecedent against him.

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 29th November, 2017 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-cum-Special Judge, POCSO Act, Simdega in connection with Special (POCSO) Case No.20 of 2016.

I.A. No.1701 of 2019 stands disposed of.

Sanjay/

(Rajesh Shankar, J.)