

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.220 of 2019

Bhuneshwar Prasad Appellant

Versus

The Union of India through C.B.I. Respondent

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Ramit Satender, Advocate

For the C.B.I. : Mr. Rohit Sinha, Advocate

Order No.07 Dated- 30.09.2020

I.A. No.5003 of 2020

Heard the parties through video conferencing.

This interlocutory application has been filed with a prayer to suspend the sentence of the appellant and release him on bail.

Perusal of the record reveals that provisional bail was granted to the appellant vide order dated 30.01.2019 for a period of one month but during that one month, the appellant did not move for extension of provisional bail and by the time the same was placed before this Court on 12.06.2019 and more than one month was elapsed. Hence, vide order dated 12.06.2019, the appellant was directed by the coordinate bench to surrender before the court below and to file surrender certificate but even then the appellant did not surrender before the court below. Hence, this Court vide order dated 31.08.2020 called for a report from the trial court and then only after avoiding to appear in the trial court for more than one year and three months, the appellant was ultimately arrested and remanded to jail only on 14.09.2020.

It is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Shiv Kumar v. State (NCT of Delhi)** reported in **(2008) 17 SCC 122** para-07 of which reads as under:-

7. *"This Court has observed in several cases that where the accused is convicted for offence punishable under the Act, it would not be prudent and desirable to give protection under Section*

389 of "the Code". However, taking into account the peculiar circumstances of the case we request the High Court to dispose of the appeal as early as practicable."

Perusal of the record reveals that the appeal is matured for hearing but Mr. Ramit Satender- learned counsel for the appellant prays for time as he does not have the documents for getting ready for hearing of the appeal.

As the appeal is already matured for hearing and it can be heard as and when the appellant gets ready for hearing of this appeal and this Court has heard and disposed of several Criminal Appeals involving the offences punishable under the provisions of Prevention of Corruption Act, 1988 even during this lockdown period including the afresh appeals in which the appellants were in custody and in view of conduct of the appellant of remaining at large and avoiding surrendering before the court below for a period of one year three months as well as the nature of evidence in the record against him, this Court is of the considered view that this is not a fit case where the sentence of the appellant be suspended and he be released on bail.

Accordingly, the prayer for bail of the appellant is rejected and the instant interlocutory application also stands rejected.

Animesh-Pappu/

(Anil Kumar Choudhary, J.)

Cr. Appeal (SJ) No.220 of 2019

Learned counsel for the appellant prays for time.

Prayer for time is allowed.

List this appeal in the next week.

Animesh-Pappu/

(Anil Kumar Choudhary, J.)