

Rajesh Kumar Gupta	...		Appellant
	- V e r s u s -		
The State of Jharkhand			Respondent
	...		

...

For the Appellant : Ms. Priyanka Bobby, Advocate.
For the State : Mr. Sudhir Kumar Roy, APP.

07/04.03.2021

1. This interlocutory application has been filed under Section 389 (1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail to the appellant, during the pendency of the appeal.
2. The appeal is directed against the judgment dated 01.02.2019, passed by the court of the learned Additional Sessions Judge-VI, Garhwa in Sessions Trial No. 310 of 2010, whereby the appellant has been found guilty and convicted for the offence under Section 366 A read with 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment of 5 years and a fine of Rs.10,000/-.
3. Heard the learned counsel for the appellant and the objection raised by the learned A.P.P.

On perusal of the deposition and cross-examination of P.W. 8 (victim), she has admitted that there are toilets in the campus of the residential building but she had gone out to attend the nature's call then the appellant forcibly took her away. She has admitted that she was having love affairs with the appellant for the past 2 years.

Considering the testimony of the victim and taking into account that the appellant has remained in custody for 2 years and four months out of the sentence imposed by the court below, the appellant is directed to be enlarged on bail, during the pendency of the appeal, on his 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-VI, Garhwa in connection with Sessions Trial No. 310 of 2010 on the condition that he shall deposit fine amount of Rs.10,000/- in the court below.

4. In the result, I.A. No. 6543 of 2019 stands allowed.

(AMITAV K. GUPTA, J.)