

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.244 of 2025

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Shek Aslam	Versus	Appellant
The State of Jharkhand		Respondent

Cr. Appeal (SJ) No.247 of 2025

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Amiruddin Khan	Versus	Appellant
The State of Jharkhand and Anr.		Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. Avishek Prasad, Advocate (In Cr.A(SJ) No.244 of 2025)
For the State	: Mr. Gautam Rakesh, APP (In Cr.A(SJ) No.244 of 2025)

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Order No.05/08.07.2025

I.A. No.3027 of 2025 in Cr.Appeal (SJ) No.244 of 2025

This Criminal Appeal has been filed on behalf of the appellant by challenging the judgment of conviction dated 17.02.2025 and sentence dated 22.02.2025 passed in POCSO Case No.28 of 2023 by Shri Sanjeev Bhatia, learned Exclusive Special Judge (POCSO), Gumla by which the appellant has been convicted by for the offences under Sections 363/34, 354-D, 354 of IPC and Section 8 of the POCSO Act and sentenced to undergo R.I. for three (03) years, R.I. for one (01) year and R.I. for one (01) Year and R.I. for three (03) years respectively and to pay the fine of Rs.10,000/- and Rs.10,000/-, Rs.10,000/- and Rs.10,000/- respectively.

However, all the sentences have been directed to run concurrently.

2. I.A. No. 3027 of 2025 has been filed on behalf of the appellant for suspension of sentence and grant of bail.
3. Heard learned counsel for the appellant and learned APP.

4. Learned counsel for the appellant submitted that the impugned judgment and sentence passed by the learned Courts below are illegal, arbitrary and not sustainable in eye of law. It is submitted that the appellant was taken into custody on 25.03.2023 and since then he is in jail and which is more than two (02) years and the maximum period of imprisonment of the appellant is three (03) years and hence he may be enlarged on bail.

5. On the other hand, learned APP raised objection and submitted that there is direct allegation against the appellant for outraging the modesty of the victim girl which is supported by the victim girl during her statement recorded under Section 164 Cr.P.C before the learned Court below and hence, the prayer for bail of the appellant may be rejected.

6. Having heard learned counsel for both the sides and from perusal of the records of this case, it transpires that the FIR was lodged on 23.03.2023 against the appellant and two others for outraging the modesty of the victim girl.

7. It appears that the appellant is in custody for more than two (02) years and three months.

8. Considering the facts and circumstances of this case and also considering the custody of the appellant, the appellant namely Shekh Aslam is directed to be released on bail, on furnishing bail bonds of Rs.15,000/- (Rs. Fifteen Thousand) with two sureties of the like amount each, to the satisfaction of Shri Sanjeev Bhatia, learned Exclusive Special Judge (POCSO), Gumla or his Successor Court in connection with in POCSO Case No.28 of 2023 subject to the condition that the one of bailors must be own relative of the appellant.

9. Thus, I.A. No.3027 of 2025 is allowed and stands disposed of.

(Sanjay Prasad, J.)