

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No. 2527 of 2019
IN
Cr. Appeal (S.J.) No. 273 of 2019

Shital Soy @ Suleman Soy Appellant
Versus
The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant : Mr. Sanjay Kumar, Advocate.
For the State : Ms. Nehala Sharmin, APP

04/Dated: 06/07/2019

Sole appellant has faced the trial in S.T. No. 64/2017 before the Court of Sri Sachindra Kumar Pandey, the learned Additional Judicial Commissioner-III-cum-F.T.C. (C.A.W.), Ranchi, who under judgment dated 19.02.2019 has held the appellant guilty under Section 376 of the I.P.C. and further awarded sentence to undergo R.I. for 07 years and fine of Rs. 10,000/- and in default of payment of fine he is further sentenced to undergo S.I. for six months for the offence under Section 376 of the I.P.C. The entire amount of fine shall go to the victim by way of compensation.

The appeal was filed on 07.03.2019 and on 02.05.2019, the appeal was admitted for hearing and LCR was called for.

The matter was listed on 11.06.2019 on receipt of LCR, but it was photostat copy of LCR, so trial court was directed to transmit the original LCR.

Original LCR has been received.

I.A. No. 2527 of 2019 has been filed under Section 389(1) of the Cr.P.C. for suspension of sentence and to admit the appellant on bail has been pressed.

Learned counsel for the appellant has submitted that admittedly, appellant and victim (P.W.-4) known to each other from earlier and the appellant has been falsely implicated in this case as he has refused the marriage proposal of the victim.

From perusal of evidence of P.W.-5 I.O., it appears that suggestion has been given that the I.O. has submitted final form without any evidence.

Under the aforesaid circumstance, learned counsel for the appellant is directed to add Rojleen Bek, mother of the informant as respondent no. 2 and Mariyam Bek, informant, through her mother Roleen Bek as respondent no. 3 and shall take steps for service of notice on respondent nos. 2 & 3, for

which requisites etc., under registered cover with A/D as well as under ordinary process, must be filed within two weeks, failing which this appeal shall stand rejected without further reference to a Bench.

List this case on **03.09.2019**. On that date, both the parties are directed to remain physically present before this Court.

Pending hearing of the appeal, I am inclined to admit the appellant on **provisional bail till 23.09.2019** after suspending the order of sentence. The appellant is directed to be released on provisional bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Judicial Commissioner-III-cum-F.T.C. (C.A.W.), Ranchi, in connection with S.T. No. 64 of 2017 (T.R. No. 103/2018).

Let a copy of order be sent to the trial court.

(Anant Bijay Singh, J.)

Sunil/