

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 293 of 2019

Shambhu Mahto Appellant
Versus

The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Ranjan Kumar Singh, Advocate
Mr. Prabhas Chandra Jha, Advocate
For the State : A.P.P.

I.A. No. 2808 of 2019

03/18.05.2019 The present interlocutory application has been filed on behalf of the appellant under Section 389(1) Cr.P.C. for suspension of sentence awarded to the appellant vide order dated 25.02.2019 passed by the learned trial court and his release on bail during the pendency of the present appeal.

The learned counsel for the appellant submits that the appellant has been erroneously convicted by the learned trial court under Section 366 I.P.C. without appreciating the materials on record in true perspective. It is further submitted that the main accused Shiv Prasad Mahto faced the trial in S.T. No. 443 of 2005 and after his conviction by the trial court, the sentence awarded to him has been suspended by a Division Bench of this Court vide order dated 04.11.2015 passed in Cr. Appeal (DB) No. 703 of 2015. So far as other co-accused persons namely, Govind Mahto, Kali Charan Mahto and Mihir Mahto are concerned, their sentences have also been suspended by a co-ordinate Bench of this Court. As per the prosecution case, the allegation against the appellant is that he assisted the main accused Shiv Prasad Mahto in kidnapping the victim. In view of the said fact, the sentence awarded to the appellant by the learned trial court may be suspended during the pendency of the present appeal.

The learned A.P.P. opposes the appellant's prayer for suspension of sentence.

Having heard the 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

25.02.2019 shall remain suspended during the pendency of the present appeal.

Accordingly, the appellant above named is directed to be released on bail, during the 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 the learned Additional Sessions Judge-I-cum-Special Judge (POCSO), Dhanbad in connection with S.T. No. 373 of 2009.

I.A. No. 2808 of 2019 stands disposed of.

(Rajesh Shankar, J.)

Manish