

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No. 5224 of 2021

In

Criminal Appeal (D.B.) No. 411 of 2018

Jagdish Sardar

... .. **Appellant**

Versus

The State of Jharkhand

... .. **Respondent**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant

: Mr. Anjani Kumar, Advocate

For the Respondent

: Mr. Sardhu Mahto, A.P.P.

06/07.12.2021 Heard Mr. Anjani Kumar, learned counsel for the appellant and Mr. Sardhu Mahto, learned A.P.P. for the respondent.

The appellant had earlier moved this Court for grant of bail in I.A. No. 5027 of 2018 which however was dismissed on 27.06.2018. The appellant had once again moved this Court in I.A. No. 1026 of 2019. However, the same was dismissed as withdrawn vide order dated 06.07.2019 which was followed by I.A. No. 2017 of 2020 which however was dismissed as not pressed.

It has been submitted by the learned counsel for the appellant that out of a maximum sentence of 10 years R.I. the appellant has remained in custody for a period of four years one month. It has further been submitted while relying on the evidence of the prosecutrix being P.W.1 that she was a major and she was a consenting party to the sexual overtures made by the appellant which is apparent from her evidence. Learned counsel further adds that there was a love affair between the appellant and the informant and even after she had detected that the appellant is married she has disclosed that she would not have filed a case if the appellant had kept in touch with her.

Learned A.P.P. has vehemently opposed the prayer for bail of the appellant.

It appears from the evidence of P.W.1 that there was a love affair between the informant and the appellant which

resulted in physical intimacy having been established between them. The tenor of the evidence of P.W.1 does indicate the said fact. Moreover, the appellant has remained in custody for more than four years and on consideration of the entire facets of the case, we are inclined to grant bail to the appellant.

Accordingly, during the pendency of this appeal, the appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I, West Singhbhum at Chaibasa in S.T. No. 141/2010, arising out of Chakradharpur P.S. Case No. 109/2006, corresponding to G.R. No. 272/2006.

I.A. No. 5224 of 2021 stands allowed and disposed off.

(Rongon Mukhopadhyay, J.)

(Rajesh Kumar, J.)