

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 320 of 2019

Ajay Oraon Appellant

Versus

The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant : Mr. P.S.Dayal & Sanjay Kumar,
For the Respondent : APP

20/Dated: 12.07.2019

I.A. No.2933 of 2019

This interlocutory application has been filed on behalf of the appellant under Sections 389 (1) of the Cr.P.C. for suspension of sentence, in connection with the judgment of conviction dated 11.03.2019 and order of sentence dated 14.03.2019, passed by learned Additional Judicial Commissioner-III-cum-FTC (CAW), Ranchi, in S.T. Case No.148/2015, T.R. No.12/18 arising out of Chanho P.S. Case No.24 of 2013, G.R. No.1350/13 whereby and whereunder the appellant has been convicted for the offences under Sections 376 of the IPC and sentenced him to undergo R.I. for 7 years and to pay a fine of Rs.20,000/-, in default, the appellant shall have to undergo S.I. for Six months.

The present appeal has been admitted vide order dated 10.05.2019 and LCR was called for, which has been received in Original and kept on record.

Learned counsel for the appellant has submitted that this is one sided love affair on behalf of the prosecutrix. It is further submitted that if the prosecution's story presumed to be true there is consensual relationship between the parties and the prosecutrix is major. Further submitted that appellant was on bail during trial and after conviction he is in judicial custody since 11.03.2019 to till date.

On query, as to whether appellant is ready to pay Rs. One lac to the prosecutrix/victim under Victim compensation, learned counsel for the appellant replied affirmative.

On the other hand learned counsel for the State has opposed the prayer for suspension of sentence of

the appellant.

Under the facts and circumstances I am inclined to admit the appellant on provisional bail till **23.09.2019**. During pendency of this criminal appeal, the above named 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-FTC (CAW), Ranchi, in S.T. Case No.148/2015, T.R. No.12/18 arising out of Chanho P.S. Case No.24 of 2013, G.R. No.1350/13, on certain conditions which are as follows:-

(i) Appellant is directed to deposit Rs.50,000/-, (out of One lac) latest by 08.08.2019 before the court below by way of bank draft in the name of prosecutrix / victim. Thereafter, the court below shall issue notice to the prosecutrix/victim and on her appearance and after proper verification shall release the said bank draft in her favour.

(ii) Xerox copy of Aadhar Card and Cell number of the appellant shall be submit at the time of furnishing bail bond.

(iii) One of the bailor must be father of the appellant.

List this case again on **05.09.2019**. On that date further order shall be passed for deposition of remaining amount i.e. Rs.50,000/- and the appellant shall remain physically present before this Court.

Let a copy of this order be sent to the court concerned through "FAX" and be handed over to the counsels for the parties.

(Anant Bijay Singh, J.)

Fahim/