

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No.6187 of 2020

In

Criminal Appeal (S.J.) No.301 of 2020

Sakil Ansari ... Appellant

Versus

The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Rana Surjit Singh, Adv.

For the State : Mr. Sanjay Kr. Srivastava, A.P.P.

The matter was taken up through Video Conferencing. Learned counsel for the parties had no objections with it and submitted that the audio and video qualities are good.

I.A. No.6187 of 2020

05/02.08.2021: This interlocutory application has been filed by the appellant under Section 389 (1) of the Code of Criminal Procedure, for suspension of sentence and release him on bail, during pendency of the instant appeal.

2. Heard the learned counsel for the appellant and learned APP.

3. The appellant has been convicted for the offence under Sections 354/34, 323/34 and 341/34 of the Indian Penal Code and under Section 10 of the POCSO Act vide judgment of conviction and order of sentence dated 21.01.2019 passed in POCSO-08/2017 arising out of Bhandra P.S. Case No.25 of 2017 (G.R. No.161 of 2017) by the learned Additional Sessions Judge-I, Lohardaga, whereby the appellant has been sentenced to undergo rigorous imprisonment of five (05) years with fine of Rs.10,000/- for the offence under Section 354 of the Indian Penal Code. Further, he has been sentenced to undergo rigorous imprisonment of one (01) years for the offence under Section 323 of the Indian Penal Code, one month simple imprisonment for the offence under Section 341 of the I.P.C. and six years R.I. for the offence under section 10 of the POCSO Act with a fine of Rs.10,000/- failing which six (06) months R.I. for non-payment of fine, and all the sentences will run concurrently.

4. It has been submitted by the learned counsel for the appellant that the appellant is in custody since 21.01.2019. Out of four accused,

three persons namely Tahir Ansari in Criminal Appeal (S.J.) No.135 of 2019 vide order dated 24.11.2020, Chotu @ Samir Ansari in Criminal Appeal (S.J.) No.125 of 2019 vide order dated 03.02.2020 and Tabrej Ansari in Criminal Appeal (S.J.) No.126 of 2019 vide order dated 05.06.2020, have been granted bail by this Court. On the above facts, prayer for the suspension of sentence and for release has been made.

5. Learned counsel for the State has opposed the prayer for bail.

6. In the attending facts and circumstances of the case and considering the fact that the other co-accused persons have already been granted bail and for maintaining the parity, I am inclined to suspend the sentence of the appellant and enlarge him on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Lohardaga, in POCSO-08/2017 arising out of Bhandra P.S. Case No.25 of 2017, G.R. No.161 of 2017, subject to the condition that the appellant will submit self-attested photocopy of his Aadhar Card and also submit his mobile number before the learned court below which he will always keep active and will not change it during pendency of this case without prior permission of the court.

7. In the result, I.A. No.6187 of 2020 is, hereby, allowed.

8. The appellant shall remain present before the Court, when the appeal is taken up for hearing, failing which his bail shall be cancelled.

(Rajesh Kumar, J.)