

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr. Appeal (S.J.) No. 350 of 2019**

Gouri Shankar Das ..... Appellant

**Versus**

The State of Jharkhand .... Respondent

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**CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH**

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For the Appellant : Mr. Shekhar Pd. Sinha, Adv.

For the State : Mr. Shekhar Sinha, APP  
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**04/Dated: 24.07.2019**

**I.A. No.3095 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 and order of conviction and sentence dated 08.03.2019, passed by learned Additional Sessions Judge-III, Dhanbad in Sessions Trial No. 405 of 2019, arising out of Jorapokhar P.S. Case No. 259 of 2008, G.R.No. 3741 of 2008 and whereby and whereunder the appellant has been convicted for the offence under Section 366 of the I.P.C. and sentenced him to undergo R.I. for 6 years and to pay a fine of Rs. 10,000/- and in default thereof to further undergo S.I. for 3 months and all the sentences shall run concurrently.

The appeal was filed on 28.03.2019 and on 09.05.2019, the appeal was admitted for hearing and L.C.R. was called for and learned Shekhar Sinha accepts the notice on behalf of the State.

It appears that under order dated 02.07.2019, the LCR was received, but it was xerox copy of the original L.C.R., so original L.C.R. was called for.

Now the original L.C.R. has been received.

I.A. No. 3095 of 2019 filed under Section 389(1) of the Cr.P.C. on behalf of the appellant for suspension of sentence and for admitting the appellant on bail has been pressed.

Learned counsel for the appellant while referring to evidence of P.W.-9, victim, submitted that on the date of offence the victim was major and the victim has herself admitted her photograph with the appellant produced by the defence before the learned Trial Court.

On the other hand learned counsel for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, I, hereby, suspend the sentence of the appellant awarded by the learned Additional Sessions Judge--III, Dhanbad in Sessions Trial No.405 of 2009, arising out of Jorapokhar P.S. Case No.259 of 2008, G.R.No.3741 of 2008. During pendency of this criminal appeal, the above named appellant is directed to be released on 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 Sessions Judge--III, Dhanbad in Sessions Trial No.405 of 2009, arising out of Jorapokhar P.S. Case No.259 of 2008, G.R.No.3741 of 2008, on the conditions that the one of the bailors must be local resident of Dhanbad district and the appellant will submit his Xerox copy of Aadhar card and cell number before the court below at the time of furnishing bail bonds and further appellant shall deposit half of the fine amount before the court below within four weeks after release from the jail.

Further, appellant shall deposit Rs.1500/- by way of cost in the account of **Bandi Kalyan Kosh being A/c No.490710210000007, IFSC Code:- BKID0004907, Bank of India, Booty More Branch** and will submit a receipt of the same before the court below at the time of furnishing bail bonds.

Accordingly, I.A. No. 3095 of 2019, is hereby allowed.

Let a copy of this order be sent to the court below and Superintendent, Birsa Munda Central Jail, Hotwar, Ranchi through "FAX" and also be handed over to the learned counsel for the appellant as well as learned counsel for the State.

**(Anant Bijay Singh, J.)**