

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 353 of 2019

With

I.A. No. 5459 of 2019

Raju Mukhi, aged about 30 years, S/O Amar Mukhi,
resident of Village:-Sanowa Narangsai, P.O. & P.S.: -Sonua,
District- Singhbhum West. **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Mr. Anjani Kumar, Advocate
For the State : Mr. Suchendra Prasad, APP

05/16.10.2019

1. Heard Mr. Anjani Kumar, counsel appearing on behalf of the appellant.
2. Heard Mr. Suchendra Prasad, counsel appearing on behalf of the State.

I.A. No. 5459 of 2019

3. Counsel for the appellant submits that one interlocutory application being I.A. No. 5459 of 2019 has been filed for grant of bail and suspension of sentence during the pendency of the instant case, which has been filed against the judgment and order of conviction dated 31.01.2019 passed by the learned Additional Sessions Judge-III, West Singhbhum at Chaibasa in connection with G.R. (POCSO) Case No. 16 of 2017. He submits that the appellant has been punished under Section 354 of the Indian Penal Code for a period of three years rigorous imprisonment and a fine of Rs. 1,000 and in default of fine further one month simple imprisonment. He further submits that the appellant is in custody since 05.03.2017 and has completed more than 2 years and 7 months of sentence. The learned counsel submits that under such circumstances, the appellant may be enlarged on bail and the sentence may be

suspended. The learned counsel further submits that even on merits, there is apparent contradiction in the stand of the victim in the FIR, her statement recorded under Section 164 Cr. P.C. and her evidence adduced before the learned court below.

4. Counsel appearing on behalf of the State, on the other hand, opposes the prayer, but does not dispute that the appellant has been convicted for a period of three years and for fine of Rs. 1,000/- and that the appellant is in custody since 05.03.2017 and has completed more than 2 years and 7 months of sentence. He further submits that the appellant may directed to deposit the fine amount.

5. Considering the facts and circumstances of this case and the period of custody of the appellant, this Court is inclined to enlarge the appellant on bail and suspend the sentence awarded to the appellant during the pendency of this appeal upon 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, West Singhbhum at Chaibasa subject to the following conditions: -

- (a) The appellant shall deposit the fine amount as awarded by the learned court below before furnishing the bail bond.
- (b) The appellant shall deposit the attested copy of Aadhar Card before the learned court below at the time of furnishing the bail bond.
- (c) One of the bailors should be his close family member.

6. Accordingly, I.A. No. 5459 of 2019, is here disposed of.

7. Post this case on 14.01.2020 under appropriate heading.

8. Let a copy of this order be communicated to the learned court below through 'FAX'.

(Anubha Rawat Choudhary, J.)