

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No.3430 of 2019

In

Criminal Appeal (S.J.) No.380 of 2019

Pappu Yadav	...	...	Appellant
Versus			
The State of Jharkhand	...	...	Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant	: Mr. Binod Kr. Dubey, Adv.
For the State	: Mr. Sardhu Mahto, 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.3430 of 2019

05/16.08.2021: This interlocutory application has been filed on behalf of 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. The appellant has been convicted for the offence under Section 326 of the Indian Penal Code vide judgment of conviction dated 19.02.2019 and has been sentenced vide order of sentence dated 22.02.2019 passed by the learned Additional Sessions Judge-III, Hazaribag in Session Trial No.244 of 2012 arising out of Sadar P.S. Case No.654 of 2011 corresponding to G.R. Case No.2994 of 2011, whereby the appellant has been sentenced to undergo Rigorous Imprisonment of seven (07) years with fine of Rs.5,000/- for the offence under Section 326 of the Indian Penal Code and in default of payment, to undergo Simple Imprisonment for three months.

3. It has been submitted by the learned counsel for the appellant that the appellant has been remained in custody for 32 months. It has further been submitted that there is every chance that the appellant will be acquitted from the charges and judgment of conviction dated 19.02.2019 and the order of sentence dated 22.02.2019 passed by the learned trial court in S.T. No.244 of 2012 will be set aside.

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

5. In the attending facts and circumstances of the case and considering the period of custody, 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-III, Hzaribag in Session Trial No.244 of 2012 arising out of Sadar P.S. Case No.654 of 2011 corresponding to G.R. Case No.2994 of 2011, 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.

6. In the result, I.A. No.3430 of 2019 is, hereby, allowed.

7. However, the trial court is directed to satisfy itself before issuing the release order, “whether the appellant has served 32 months of the sentence or not?” If the appellant has not served 32 months of the sentence then the release order shall not be issued by the trial court and the matter will be reported to this Court.

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.)