

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 284 of 2019

Ramanand Ram @ Ramannand Ram Appellant
Versus
The Union of India through CBI Respondent

With
Cr. Appeal (SJ) No. 444 of 2019

Md. Ilyas Hussain @ Md. Illiyas Hussain Appellant
Versus
The Union of India through CBI Respondent

With
Cr. Appeal (SJ) No. 458 of 2019

Dhudheshwar Nath Singh @ Dudheshwar Nath Singh Appellant
Versus
The Union of India through CBI/SPE, Ranchi Respondent

With
Cr. Appeal (SJ) No. 469 of 2019

Md. Sahabuddin Baig Appellant
Versus
The Union of India through CBI/SPE, Ranchi Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mrs. J.Mazumdar, Adv.
Mr. Jitendra S. Singh, Adv.
For the Respondent : Mr. Prashant Pallav, Adv.
Mr. Parth Jalan, Adv.

29 / 18.08.2023 I.A. no. 5747 of 2023 in Cr. Appeal (SJ) No. 284 of 2019

Heard the parties.

Learned counsel for the appellant in Cr. Appeal (SJ) No. 284 of 2019 submits that this interlocutory application has been filed with a prayer to release the appellant-Ramanand Ram @ Ramannand Ram on bail during pendency of this appeal which has been preferred against the judgment of conviction and award of sentence dated

22.02.2029 passed by learned Special Judge, CBI, Ranchi in connection with R.C. No. 02(A) / 1997- R, arising out of Vigilance P.S. Case no. 02 of 2008 and was sentenced to undergo as under :-

Convict	offence	Sentence		
Ramanand Ram	Section 13(2) r/w 13(1) (d) of P.C.Act	Imprisonment	Fine	Default
		5 years R.I.	Rs. 10 lacks	6 months R.I.
	Section 120B r/w 420, 407, 467, 468 and 471 IPC r/w Section 13(2) r/w 13(1) (d) of P.C.Act	2 years R.I.	Rs. 10 lacks	6 months R.I.

Learned counsel for the appellant further submits that the appellant was in custody from 19.04.2000 to 20.07.2000 during the pendency of the trial and since the date of the judgment from 22.02.2019, the appellant has all along been in custody. It is further submitted that out of maximum sentence of five years, the appellant has already undergone, more than four years and eight months. It is next submitted that though the appellant has concluded the argument on 07.12.2021 on the merits of the appeal, but since this is an analogous appeal along with the appeal of the co-convicts and the co-convicts are not concluding their argument on the ground that they have been challenged and order passed by this court before the Hon’ble Supreme Court of India, hence, the judgment of the appellant in this appeal has not yet been pronounced. It is further submitted that the appellant moved before the Hon’ble Supreme Court of India in Special Leave to Appeal (Crl.) No. 5197 of 2021 but the Hon’ble Supreme Court of India was pleased to dismiss the same vide order dated 26.07.2021, whereby and where under, Hon’ble Supreme Court of India with a request to this court, to finally decide the appeal pending before it on merits, as expeditiously as possible. It is further submitted that the co-convict Md. Sahabuddin Baig has already been admitted to bail by the Hon’ble Supreme Court of India vide order dated 17.05.2023. It is further submitted that the appellant has raised very pertinent grounds in this appeal, hence, it is submitted that the sentence of the appellant be suspended

and he be released on bail during the pendency of the appeal.

Learned counsel for the respondent opposes the prayer for suspending the sentence and releasing the appellant on bail but fairly submits that the appellant has already remained more than 4 ½ years in custody, in connection with this case.

Considering aforesaid facts of the case, and the fact that since the co-convicts have not concluded their argument so far, hence, there is no likelihood of the appeal being disposed of in near future and as the appellant has already undergone considerable period of time in custody, this court is inclined to suspend the remaining sentence of the appellant and accordingly, the remaining sentence of the appellant is suspended and the above named appellant Ramanand Ram @ Ramannand Ram is directed to be released on bail during the pendency of the appeal, on furnishing bail bond of Rs. 2,00,000/- (Two Lakhs only) with two sureties of the like amount each, to the satisfaction of learned Special Judge, CBI, Ranchi in connection with R.C. No. 02(A) / 1997- R, arising out of Vigilance P.S. Case no. 02 of 2008.

This interlocutory application stands allowed.

(ANIL KUMAR CHOUDHARY, J.)

Cr. Appeal (SJ) Nos. 284 of 2019 with 444 of 2019 with 458 of 2019 with 469 of 2019

Mr. Jitendra S. Singh, learned counsel for the appellant in Cr. Appeal (SJ) No. 444 of 2019 submits that Review Petition vide R.P. (Cr.) Case no. 319 of 2023 has been filed by the appellant – Md. Ilyas Hussain @ Md. Illiyas Hussain in respect of the order dated 21.07.2023 passed by the Hon'ble Supreme Court of India in Special Leave Petition (Criminal) No (s) 8843 of 2022 and hence, prays for time.

Prayer for time is allowed.

List these appeals after eight weeks.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-