

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No. 100 of 2021

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Sunny Tirkey @ Babu. ....Appellant  
Versus  
The State of Jharkhand. ....Respondent

Coram: THE HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY  
THE HON'BLE MR. JUSTICE AMBUJ NATH

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For the Appellant. : Mr. Nikhilesh Kr. Chatterjee, Advocate  
For the State : Mr. Vishwanath Roy, A.P.P.  
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**I.A. No. 2489 of 2021**

07/17.10.2022 Heard the parties.

This interlocutory application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offence under sections 376(DA) and 506 of the Indian Penal Code as well as sections 4 and 6 of the POCSO Act and has been sentenced to undergo imprisonment for life along with a fine of Rs.20,000/- for the offence under section 376(DA) IPC, rigorous imprisonment for twenty years along with a fine of Rs.20,000/- for each of the offences under sections 4 and 6 of the POCSO Act.

The informant was subjected to gang rape by the appellant and other accused persons.

Learned counsel for the appellant has submitted that in 164 Cr.P.C. statement of the victim, which has been marked as Ext-7, she has not named the appellant but it appears that the attention of the P.W-1 was not drawn to the said fact. Infact, in cross-examination, she has categorically stated about the appellant assaulting her with a pipe and all the four accused persons committed rape upon her.

In view of the facts and circumstances of the case, therefore, we are not inclined to admit the appellant on bail. His prayer for bail is hereby rejected at this stage.

I.A. No. 2489 of 2021 stands rejected.

**(Rongon Mukhopadhyay, J)**

**( Ambuj Nath,J)**

Rakesh/-