

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 504 of 2025

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Sangram Bari, aged about 30 years, Son of Khurpa Bari,
Resident of Simbiya Tola Pukrugtu, PO-Chaibasa, PS-Muffasil,
District- East Singhbhum, Jharkhand **..... Appellant**

Versus

1. The State of Jharkhand
2. Victim 'X' through the Mother/Father **..... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Manjeet Kumar Chaudhary, Advocate
For the State : Mr. Naween Kumar Singh, A. P. P.
For the Resp. No. 2 : None.

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I. A. No. 7646 of 2025

05/26.11.2025 This Criminal Appeal has been filed on behalf of the appellant challenging the impugned judgment of conviction dated 30.11.2024 and order of sentence dated 02.12.2024 passed by Sri Santosh Anand Prasad, learned Additional Sessions Judge-II-cum-Special Judge (POCSO) Act Cases, West Singhbhum at Chaibasa in connection with Muffasil P. S. Case No. 96 of 2018 corresponding to Special POCSO Case No. 29 of 2018 by which the appellant has been convicted for the offences under Sections 354-A of the Indian Penal Code and Section 8 of the POCSO Act and sentenced to undergo R. I. for a period of four (4) years and to pay the fine of Rs. 5,000/- for the offence under Section 8 of the POCSO Act and sentenced to undergo R. I. for a period of three (3) years and to pay the fine of Rs. 2,000/- for the offence under Section 354-A of the Indian Penal Code .

However, all the sentences have been directed to run concurrently.

2. I. A. No. 7646 of 2025 has been filed on behalf of the

appellant under Section 430 (1) of BNSS for the suspension of sentence and for grant of bail, during the pendency of this Criminal Appeal.

3. As per the FIR, the appellant is alleged to have caught hold hand and chest of the victim girl on 27.07.2018 and on alarm raised by the victim girl, the appellant fled away.

4. Heard learned counsel for the appellant and learned APP for the State. However, despite valid service of notice upon the respondent no. 2 i.e. the Informant, none appeared on behalf of the Informant on 13.10.2025 and 06.11.2025 and even today also no one has appeared on behalf of the Informant.

5. It is submitted by the learned counsel for the appellant that the impugned judgment of conviction and sentence passed by the learned Court below are not sustainable in law. It is submitted that the appellant has committed no offence and has been falsely implicated in this case. It is submitted that there is delay of four (4) days in lodging the FIR as the occurrence took place on 27.07.2018 while the FIR was lodged on 02.08.2018. It is submitted that the appellant and the victim girl are known to each other since long and the brother of the victim girl was the friend of the appellant. It is further submitted that during trial the appellant was in custody since 02.08.2018 to 13.12.2018 and thereafter he is in custody since 28.10.2024 i.e. for around more than one (1) year and one (1) month and as such, the appellant is in custody for around sixteen (16) months and as such, the appellant may be enlarged on bail.

6. Learned counsel for the State has opposed the prayer for bail and has submitted that the appellant is named in the FIR for having caught the hand and chest of the victim girl. It is submitted that there was panchayati in the village with regard to the occurrence

and thereafter FIR was lodged. It is further submitted that P.W.-1 is the victim girl and she has fully supported the prosecution case. It is submitted that P.W.-2 and P.W.-4 are the Uncle and Mother of the victim girl respectively and they have fully supported the prosecution case and allegation of the victim girl. It is submitted that Investigating Officer had also submitted charge sheet and who was examined as P.W.-8 and hence, prayer for bail of the appellant may be rejected.

7. Heard learned counsel for both the sides and considered the submission of both the sides.

8. It appears that the appellant is named in the FIR for outraging the modesty of the victim girl.

9. It transpires that during trial, the prosecution has examined eight (8) witnesses and P.W.-1 is the victim girl herself whereas the P.W.-4 is the mother of the victim girl.

10. It reveals from the cross-examination of P.W.-1 and P.W.-4 that the appellant was friend of the victim girl and both were on visiting terms. It also reveals from the evidence of the P.W.-4 i.e. the mother of the victim girl that she was sleeping with her two daughter and P.W.-4 stated that when she came to the place of occurrence, the appellant fled away.

11. It appears that during trial the appellant was in custody since 02.08.2018 to 13.12.2018 and thereafter he is in custody since 28.10.2024 i.e. for around more than one (1) year and one (1) month and as such, the appellant is in custody for around sixteen (16) months.

12. Considering on the facts and the circumstances of the case and also considering the custody of the appellnat, the appellant namely Sangram Bari is directed to be released on bail on

furnishing bail bond of Rs. 15,000/- (Fifteen thousand only) with two sureties of the like amount each to the satisfaction of Sri Santosh Anand Prasad, learned Additional Sessions Judge-II-cum-Special Judge (POCSO) Act Cases, West Singhbhum at Chaibasa/ or his Successor Court in connection with Muffasil P. S. Case No. 96 of 2018 corresponding to Special POCSO Case No. 29 of 2018 subject to the condition that one of the bailors must be own relative of the appellant and the appellant shall also file an Undertaking before the learned Court below that he will not get indulged in such type of crime in future again, otherwise prosecution will be at liberty to take steps for cancellation his bail and the appellant shall file an Undertaking before the learned Court below that he will remain present at the time of final hearing of this Appeal, failing which bail of the appellant will be cancelled.

13. Thus, I. A. No. 7646 of 2025 is allowed and stands disposed of.

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14. Admit.

15. Lower Court Records have already been received.

(Sanjay Prasad, J.)

Dated 26.11.2025
Kamlesh/