

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No. 722 of 2022
With
Criminal Appeal (D.B.) No. 623 of 2022
With
Criminal Appeal (D.B.) No. 827 of 2022

1.Mahadev Kumar	...	...	Appellants
2.Virendra Mahali @ Pachu			
3.Ramesh Kumar Singh @ Pintu			
4.Sadhu @ Brindaban Kumhar	...	...	Appellants
	(in Cr. Appeal D.B. No. 722 of 2022)		
Rajesh Kumar	...	...	Appellant
	(in Cr. Appeal D.B. No. 623 of 2022)		
Sanyasi Das	...	...	Appellant
	(in Cr. Appeal D.B. No. 827 of 2022)		

Versus

The State of Jharkhand Respondent

**CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
: HON'BLE MR. JUSTICE AMBUJ NATH**

For the Appellants : Mr. Samavesh Bhanj Deo, Advocate
For the Respondent : Mr. Kumari Rashmi, A.P.P.

5/16.02.2023 I. A. No. 289 of 2023:

Heard Mr. Samavesh Bhanj Deo, learned counsel appearing for the appellant and Mrs. Kumari Rashmi, learned A.P.P. appearing for the State.

This interlocutory application has been preferred by the appellants in Criminal Appeal (DB) No. 722 of 2022 for grant of bail to them during the pendency of this appeal.

It has been submitted by the learned counsel for the appellant that one of the co-convict namely, Rajesh Kumar has been granted bail by this court in Cr. Appeal D.B. No. 623 of 2022. It has further been submitted that there are some discrepancies with respect to the identification of the appellant by P.W. 3 and P.W. 5.

Learned A.P.P. for the State has opposed the prayer for bail of the appellants.

It appears that so far as the appellant no. 1 is concerned, he was identified by P.W. 3 as having assaulted and wrongly confined the victim; while P.W. 5, the victim could not identify him. So far as appellant no. 4 is concerned, he has not been identified by P.W. 3, but has been alleged to have molested the victim and also harassed her as per the victim. The case of the appellant no. 4 appears to be similarly situated to that of the co-convict namely, Rajesh Kumar who, as has been noted above has already been granted bail by this court. So far as Rajesh Kumar is concerned, he has not been identified by P.W. 3.

In such circumstances, appellant nos. 1 and 4 - Mahadev Kumar and Sadhu @ Brindaban Kumhar are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of the learned Special Judge, POCSO Act, Seraikella in connection with POCSO Case No. 52 of 2019.

However, as regards appellant nos. 2 and 3 are concerned, there seems to be specific allegations levelled against them both by P.W. 3 and P.W. 5 and in such circumstances, their prayer for bail is hereby rejected.

I. A. No. 289 of 2023 stands disposed of.

(Rongon Mukhopadhyay, J)

(Ambuj Nath, J.)