

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 680 of 2024

Sanjay Kumar Sahu @ Sanjay Sao, S/o Late Tirthu Sahu, aged about 53 years, resident of Village Upper Chutiya, Near Ram Mandir, Gosai Toli, P.O. Chutiya, P.S. Chutiya, District- Ranchi, Jharkhand ... **Appellant**

-Versus-

The State of Jharkhand

... **Respondent**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant : Mr. Indrajit Sinha, Advocate
Mr. Pradeep Kumar Nayak, Advocate
Mr. Rishav Kumar, Advocate
For the State : Mr. P.C. Sinha, A.C. to G.A.-III

03/27.11.2024 **I.A. No. 11186 of 2024**

Heard Mr. Indrajit Sinha, learned counsel appearing for the appellant and Mr. P.C. Sinha, learned counsel appearing for the State.

2. This appeal is already admitted and the Trial Court Record has been received.

3. I.A. No. 11186 of 2024 has been filed for grant of bail and suspension of sentence to the appellant, during pendency of the present criminal appeal.

4. Learned counsel appearing for the appellant submits that the appellant has been convicted and sentenced vide judgment of conviction and order of sentence dated 25.09.2024 and 30.09.2024 respectively passed by the learned Special Judge, ACB, Ranchi in Vigilance (Spl.) Case No.28 of 2010, arising out of Ranchi Vigilance P.S. Case No.28/2010, whereby, he has been sentenced to undergo R.I. for 5 years with fine of Rs.25,000/- for the offence under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and in default of payment of fine, he has been further sentenced to undergo S.I. for nine months. He submits

that there is another sentence also, however, direction was there that both the sentences will run concurrently.

5. Learned counsel appearing for the appellant further submits that the appellant is a Karamchari. He submits that maximum sentence is for 5 years and the appellant has remained in custody for about 9 months. He also submits that the appellant was on bail during the period of trial and now he is in custody since the date of judgment of conviction i.e. 25.09.2024. He then submits that the Verification Officer has not been examined and in view of that the demand is not proved.

6. Learned counsel appearing for the State opposed the prayer on the ground that Rs.9,000/- has been recovered from the possession of the appellant and even half of the sentence has not been completed as yet by the appellant.

7. Considering that the appellant is a Karamchari and he has remained in custody for about 9 months and he was on bail during the period of trial and the Verification Officer has not been examined, during the pendency of the present criminal appeal, I am inclined to enlarge the above named appellant on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, ACB, Ranchi in Vigilance (Spl.) Case No.28 of 2010, arising out of Ranchi Vigilance P.S. Case No.28/2010.

8. Accordingly, I.A. No.11186 of 2024 is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/