

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.4219 of 2019
In
Cr. Appeal (S.J.) No.468 of 2019

Dhiraj Yadav **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Appellant : Mr. Satish Kumar, Advocate
For the State : Mr. Nehru Mahto, A.P.P.
For the Informant : Mr. Kalyan Banerjee, Advocate

06/Dated: 14th September, 2020

I.A. No.4219 of 2019

1. This interlocutory application has been filed under Section 389(1) of the Code of Criminal Procedure for suspension of sentence and grant of ad-interim bail, to the petitioner, during the pendency of the appeal.

2. The petitioner/ appellant has been convicted for the offence under Sections 307, 323, 498A of I.P.C and Section 4 of Dowry Prohibition Act, and sentenced to undergo R.I of 5 years and fine of Rs.5,000/- for the offence under Section 307 I.P.C, S.I of 3 years for the offence under Section 323 I.P.C, R.I of 3 years and fine of Rs.1,000/- for the offence under Section 498A I.P.C and S.I of 2 years and fine of Rs.1,000/- for the offence under Section 4 of Dowry Prohibition Act, and in default thereof, to further undergo S.I of three months, vide judgment dated 16.04.2019, passed by the court of learned Additional Sessions Judge - XVI, Dhanbad, in S.T. No.136 of 2015.

3. Having heard learned counsel for the petitioner, and objection of learned A.P.P, assisted by the learned counsel for the informant, and on perusal of the materials on record, it appears that the court below has convicted the appellant for the offence under Section 307 I.P.C merely on the testimony of the witnesses. In fact, no medical evidence or injury report was adduced to establish the charge under Section 307 I.P.C.

Considering that the petitioner has remained in custody for more than two years, accordingly I am inclined to suspend the sentence and enlarge the appellant on bail, during the pendency of the appeal, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - XVI, Dhanbad, in connection with S.T. No.136 of 2015.

4. The appellant shall remain present before the Court, when the appeal is taken up for hearing, failing which his bail shall be cancelled.

5. I.A. No.4219 of 2019 stands disposed off.

(AMITAV K. GUPTA, J.)

Chandan/-