

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.3236 of 2020
In
Cr. Appeal (S.J.) 971 of 2018

Vijay Gupta @ Vijay Persad Gupta
..... **Appellant**

Versus

The State of Jharkhand
.....**Respondent**

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

For the Appellant :Mr. Kumar Nilesh, Advocate
For the State :Mr. Suraj Mohan, A.P.P

06/Dated: 24.06.2020

I.A. No. 3236 of 2020

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

2. The appellant has been convicted for the offence under Sections 341, 323, 324 and 325 of Indian Penal Code, vide judgment dated 15.03.2018, passed by the court of learned Additional Sessions Judge-III, Dhanbad, in ST No.128 of 2016 and sentenced to undergo rigorous imprisonment (R.I.) of six months for the offence under Section 323 IPC and two years R.I for the offence under Section 324 IPC and further sentenced to undergo R.I of five years for the offence under Section 325 IPC, and to pay the fine of Rs.10,000/- in default, thereof, to undergo R.I of six months .

3. Having heard the learned counsel for the appellant and learned A.P.P, and on perusal of the materials on record, it appears that the appellant has remained in custody from 18.12.2015 to 05.05.2016 during trial and is custody since 15.03.2018 after the judgment of conviction. It appears that the appellant has remained in custody for nearly two years and nine months, more than half of the awarded maximum sentence of 5 years, accordingly, the appellant is directed to be enlarged on bail, during the pendency of the appeal, on his furnishing

bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Dhanbad, in ST No.128 of 2016, subject to the condition that the appellant shall deposit Rs.5,000/- as the part of the fine amount in the court below.

4. The appellant shall remain present in the court when the appeal is taken up for hearing.
5. In the result I.A. No.3236 of 2020 stands allowed.

(AMITAV K. GUPTA, J.)

Tarun/-