

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. (Cr.) No. 4409 of 2021

In

Cr. Appeal (DB) No. 493 of 2018

Arjun Das Appellant
 Versus
The State of Jharkhand ... Respondent

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CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**
Hon'ble Mrs. Justice Anubha Rawat Choudhary

Through Video Conferencing

For the Appellant : Mrs. Rashmi Kumar, Advocate
For the State : Mr. Satish Prasad, A.P.P

06/ 07.09.2021 Heard Mrs. Rashmi Kumar, learned counsel appearing on behalf of the appellant.

2. Heard Mr. Satish Prasad, learned counsel appearing on behalf of the State.

3. Learned counsel for the appellant submits that the present interlocutory application has been filed for suspension of sentence of the present appellant, who happens to be brother of the deceased.

4. At the outset, she also submits that the appellant is in custody since 24.09.2014, which is about 7 years now.

5. Learned counsel has submitted that although in the F.I.R and the evidence of the informant (P.W.3), it has been mentioned that date of marriage was 20.04.2008, but the Investigating Officer of the case, in his cross-examination, has stated that the date of marriage was prior to 7 years and uncle of the deceased, who has been examined as prosecution witness no. 1, has also stated that the date of marriage was 20.04.2000.

6. Learned counsel has also submitted that in view of the aforesaid fact, there is a controversy in connection with date of marriage of the appellant with the deceased. She has also submitted that the parents of the deceased have not been examined in the present case. Learned counsel submits that the cause of the death was due to poisoning and on account of dispute regarding date of marriage, the presumption in connection with Section 304-B of I.P.C is not attracted. She has also submitted that the appellant was working in Bombay.

7. Learned counsel for the appellant submits that considering the custody of the appellant and the dispute in connection with date of marriage, the appellant may be enlarged on bail. Learned counsel submits that as per

the F.I.R as well as evidence of P.W.3, there was no demand of dowry soon before the death of the wife of the appellant.

8. After hearing the learned counsel for the parties and taking into consideration the aforesaid submission in connection with the dispute regarding date of marriage and also submission regarding demand of dowry, which was not soon before the date of death of the victim wife and the period of custody of the appellant since 24.09.2014, this Court is inclined to enlarge the appellant on bail.

9. Accordingly, the above-named appellant, Arjun Das, shall be released on bail, during the pendency of this appeal, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I, Koderma in connection with Sessions Trial No. 11 of 2015 with the condition that the appellant and his bailors shall submit self-attested copy of Aadhar Card as well as their mobile number and will not change their address or mobile number without permission of the learned Trial Court.

10. I.A. No. 4409 of 2021 stands disposed of.

11. Let the order be communicated through FAX to the court concerned.

(Aparesh Kumar Singh, J)

(Anubha Rawat Choudhary, J)