

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 782 of 2019

Vikas Munda --- --- Appellant
Versus
The State of Jharkhand --- --- Respondent

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

For the Appellant : Mr. Rajesh Kumar, Advocate
For the State : Mrs. Vandana Bharti, A.P.P.

I.A. No.2924 of 2021

05/07.09.2021 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the appellant and Mrs. Vandana Bharti, learned counsel appearing on behalf of the State.

Learned counsel for the appellant submits that the appellant has been convicted and sentenced to undergo R.I. for 12 years with a fine of Rs.5,000/- under Section 376(2) of the Indian Penal Code with default clause. He submits that the victim herself has stated that she was 22 years of age and the present appellant was about 26 years of age. He also submits that there was relationship between the appellant and the victim for more than last 1 ½ years and it appears to be a case of love affair between them. Learned counsel submits that the custody of the appellant in connection with the present case is about 5 ½ years and accordingly the appellant may be released on bail. Learned counsel has also submitted that the Doctor has not found any sign of rape, though she was found pregnant. He submits that admittedly the victim was major.

Learned counsel for the State opposes the prayer but does not dispute the fact that the appellant is in custody for about 5 ½ years.

After hearing learned counsel for the parties and considering the facts and circumstances of this case and the fact that no sign of rape has been found in the medical examination of the victim and the victim was major and it appears that there was a relationship between the victim from before , and considering the custody of the appellant in connection with the present case for about 5 ½ years, we are inclined to grant the privilege of suspension of sentence to the appellant during pendency of the appeal.

Accordingly, appellant is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount, each, to the satisfaction of learned court below. The appellant as well as his bailors would furnish their mobile number and attested copy of Aadhaar Card at the time of furnishing bail bonds which they shall not change without prior permission of the learned court below. I.A. No.2924 of 2021 stands disposed of.

Let this order be communicated to the learned court below through FAX.

(Aparesh Kumar Singh, J)

Shamim/

(Anubha Rawat Choudhary, J)