

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. (Cr.) No. 4236 of 2021

In

Cr. Appeal (DB) No. 1001 of 2019

1. Kanchan Devi
2. Ram Pratap Gupta
3. Deepak Gupta --- --- Appellants
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: Mrs. Jasvinder Kaur Mazumdar, Advocate
For the Respondent: Mr. Ravi Prakash, A.P.P

05 / 06.09.2021 Heard Mrs. Jasvinder Kaur Mazumdar, learned counsel appearing on behalf of the appellant.

2. Heard Mr. Ravi Prakash, 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 Appellant No. 3 – Deepak Gupta for grant of bail during pendency of this appeal.

4. She submits that there is no specific allegation as against this appellant and the case of this appellant stands on better footing as compared to the other co-convicts who have been enlarged on bail.

5. She has submitted that the husband of the deceased has also been enlarged on bail by this Court in Cr. Appeal (DB) No. 1023/2019 vide order dated 17.08.2019. She has also referred to the order dated 14.07.2021 passed in this case in I.A. No. 2575/2020, whereby two other co-convicts / appellant nos. 1 and 2 herein i.e. mother-in-law and father-in-law of the deceased, have also been enlarged on bail. Learned counsel for the appellant submits that the appellant no. 3 is the brother-in-law and his case is on better footing as compared to the other co-convicts who have been enlarged on bail.

4. Learned counsel appearing on behalf of the State, on the other hand, while opposing the prayer, has submitted that other co-accused mother-in-law and father-in-law have been enlarged on bail considering the period of custody and their age. However, he does not dispute that the husband of the deceased has been enlarged on bail in another criminal appeal, as indicated by the learned

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counsel appearing on behalf of the appellant and the other two appellants have also been enlarged on bail, who are the mother-in-law and father-in-law.

5. After hearing the learned counsel for the parties and considering the facts and circumstance of this case and also the fact that three other co-convicts i.e. husband, father-in-law and mother-in-law have been enlarged on bail and it is not in dispute that the appellant no. 3 is the brother-in-law of the deceased, this Court is inclined to enlarge the appellant no. 3 on bail.

6. Accordingly, Appellant No. 3 – Deepak Gupta shall be released on bail, during 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, Sahibganj in Sessions Trial No. 303 of 2013 / Sessions Trial No. 32 of 2014 with the condition that the appellant and his bailors shall not change their address or mobile nos. without permission of the learned Trial Court.

7. I.A. No. 4236 of 2021 stands disposed of.

(Aparesh Kumar Singh, J)

(Anubha Rawat Choudhary, J)

Ranjeet/