

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No.472 of 2020

Jharilal Mahato Appellant
Versus
The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Abhijeet Kumar Singh, Adv.
For the State : Md. Hatim, APP

The matter was taken up through Video Conferencing. Learned counsel for the parties had no objections with it and submitted that the audio and video qualities are good.

I.A. No.4662 of 2020

06/06.09.2021: Heard learned counsel for the appellant and learned counsel for the State on the interlocutory application filed by the appellant, for suspension of sentence and release on bail during the pendency of this appeal.

The appellant has been convicted for the offence under Sections 354 and 306 of the Indian Penal Code and has been sentenced to undergo rigorous imprisonment for seven years with fine.

At the very outset, it has been submitted that as per the allegation, the appellant has caught hold the hand of the deceased and out of shame, she has committed suicide.

It has been submitted that at best section 354 of the Indian Penal Code is made out against the appellant, for which, he has sufficiently been punished as he has remained in custody for more than one year.

Considering the nature of allegation and the attending facts and circumstances, I am inclined to suspend the sentence and to release the appellant on bail. Accordingly, the appellant, above named, is directed to be released on bail, during the pendency of the appeal, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of learned Addl. Sessions Judge-II, Jamtara, in Sessions Trial No.170 of 2015.

The trial court however, before issuing the release order, shall satisfy itself that the appellant has remained in custody for more than one year, and if this statement is found to be incorrect, the release order shall not be issued and the matter shall be reported to this Court.

This interlocutory application is accordingly, allowed with the directions, as above.