

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Appeal (SJ) No.183 of 2021**

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Kail Ram @ Jitendra Chandravanshi @ Jitendra aged about 28 years, son of Gorakhram Chandrabanshi, resident of village-Karakkat, P.O. & P.S.-Chainpur, District-Palamau

**.....Appellant**

**Versus**

1. The State of Jharkhand
2. Victim Girl "X"

**.....Respondents**

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**CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD**

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For the Appellant	: Mr. Jitendra S. Singh, Advocate Mr. Randhir Kumar, Advocate
For the State	: Mr. Rajneesh Vardhan, APP

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**Order No.08/21.03.2025**

**I.A. No.11677 of 2024**

This Criminal Appeal (SJ) No. 183 of 2021 has been filed on behalf of the appellant by challenging the judgment of conviction dated 04.03.2021 and sentence dated 09.03.2021 passed in Special POCSO Case No. 02 of 2015 arising out of Chainpur P.S. Case No.34 of 2015 by Sri Shatrunjay Kumar Singh, learned Exclusive Special Judge, POCSO Act-Cum-Additional Sessions Judge-IV, Palamau at Daltonganj by which the appellant has been convicted for the offences under Sections 354-B and 323 of IPC and Section 8 of the POCSO Act, and sentenced to undergo RI for six (06) years and to pay the fine of Rs.10,000/- for the offence under Section 354-B of IPC and S.I. for six (06) months and to pay fine of Rs.500/- for the offence under Section 323 of IPC.

However, learned Court below has not imposed any sentence for the offence under Section 8 of POCSO Act in view of the provisions under section 42 of POCSO Act. However, all the sentences are directed run concurrently.

2. I.A. No.11677 of 2024 has been filed under Section 430(1) of the Bharatiya Nagrik Suraksha Sanhita, 2023 for suspension of sentence and for grant of bail.

3. Heard learned counsel for the appellant and learned APP for the State.

4. Learned counsel for the appellant submitted that the appellant is innocent. It is submitted that earlier the prayer for bail has been rejected by this Court vide order dated 05.04.2022 with liberty to renew his prayer for bail after six months and as such the prayer for bail has been renewed. It is submitted that earlier the petitioner was in custody from 06.03.2015 to 25.06.2015 and he again in custody from 04.03.2021 till date and thus the appellant has remained in custody for more than four (04) years and four (04) months and hence he may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer for bail.

6. It appears that the appellant has been convicted for outraging the modesty of the victim girl aged around 13 years at the relevant time.

7. It appears that the appellant was in custody from 06.03.2015 to 25.06.2015 during the trial i.e. more than three (03) months and thereafter the appellant is in custody from 04.03.2021 after conviction from the Trial Court, i.e. for more than four (4) years i.e. altogether the appellant has remained in custody for more than four (4) years and four (4) months out of R.I. for six (06) years.

8. Considering the facts and circumstances of this case and considering the custody of the appellant, the appellant namely Kail Ram @ Jitendra Chandravanshi is directed to be released on

bail on furnishing bail bond of Rs.15,000 (Rs. Fifteen thousand) with two sureties of the like amount each to the satisfaction of Sri. Shatrunjay Kumar Singh, learned Exclusive Special Judge, POCSO Act-Cum-Additional Sessions Judge-IV, Palamau at Daltonganj / or his Successor Court in connection with Special POCSO Case No. 02 of 2015 arising out of Chainpur P.S. Case No.34 of 2015.

9. Thus, I.A. No.11677 of 2024 is allowed and stand disposed of.

**Cr.A(SJ) No.183 of 2021**

10. Learned counsel for the appellant is directed to implead Victim girl X in this case in course of the day.

11. Learned A.P.P. is directed to get served notice of this Criminal Appeal (SJ) upon the guardian/legal guardian of victim girl "X" through the Superintendent of Police, Palamau, in light of the judgment rendered in the case of *Nipun Saxena and Anr. Versus Union of India* reported in (2019) 2 SCC 703 and Notification No.23/2023/R&S/JHC dated 20.12.2023 of the Jharkhand High Court and shall file an affidavit with regard to service of notice upon the Guardian of victim girl "X".

12. Let a copy of this order be sent to the learned Court below and Office of Superintendent of Police, Palamau by FAX and be also handed over to the learned A.P.P for the needful.

**(Sanjay Prasad, J.)**

Nishant/-