

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No. 1628 of 2023

Bhim SorenAppellant(s)
Versus
The State of JharkhandRespondent

CORAM : SRI ANANDA SEN, J.
: SRI SUBHASH CHAND, J.

For the Appellant(s) : Ms. Apoorva Singh, Advocates.
For the State : Mr. Shashi Kumar Verma, A.P.P.

I.A. No. 3285 of 2024

03/09.04.2024: This interlocutory application has been filed by the appellant praying therein to suspend the sentence and release him on bail during the pendency of this appeal.

2. The appellant has been convicted and sentenced in connection with Sessions Trial No. 57/2018, arising out of Fatehpur P.S. Case No. 09 of 2013, for the offence under Section(s) 376(2)(i) of the Indian Penal Code and Section 6 of the POSCO Act. He has been sentenced to undergo rigorous imprisonment for ten years and fine of Rs.5,000/- for the offence under Section 6 of the POCSO Act.

3. Heard the learned counsel for the appellant and learned A.P.P for the State and have gone through the impugned judgment, the evidence and the Trial Court Records.

4. Opportunity was given to the learned counsel for the State to oppose the bail, which he availed and opposed.

5. After hearing the parties and going through the evidence, we find that the appellant is in custody for more than six years though he has been sentenced to undergo R.I. for ten years, thus the appellant has already remained in custody for more than half of the sentence. Further from the medical report, we find that the Doctor has not given an opinion that the rape was committed upon the victim.

6. Considering the aforesaid facts, we are inclined to allow this interlocutory application. Accordingly, upon suspending the sentence, the appellant, named above, is directed to be released on bail, during the pendency of this appeal, on furnishing bail bonds of Rs.10,000/-(ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge, Jamtara, in connection with Sessions Trial No. 57/2018, with a condition that the appellant shall appear and mark his attendance before the Registrar, Civil Court, Jamtara, once in every four months till the disposal of this appeal.

7. Accordingly, this interlocutory application stands **allowed**.

(ANANDA SEN, J.)

(SUBHASH CHAND, J.)

Anu/-Cp3