

(2017) 01 JH CK 0143
In the Jharkhand High Court
Case No : 1031 of 2016

Anandi Singh

APPELLANT

Vs

Upendra Singh & Others

RESPONDENT

Date of Decision : 27-01-2017

Acts Referred:

Citation : (2017) 01 JH CK 0143

Hon'ble Judges : Ananda Sen

Bench : SINGLE BENCH

Advocate : Sanjay Kumar Tiwari, ?Vijay Kumar Roy

Judgement

I.A. No. 6550 of 2016

1. Heard Mr. Sanjay Kumar Tiwari, learned Counsel for the appellant and Mr. Vijay Kumar Roy, learned Addl. P.P. appearing for the State, on the Interlocutory Application bearing I.A. No. 6550 of 2016, wherein prayer has been made to enlarge the appellant on bail during the pendency of the present appeal.
2. Mr. Tiwari, learned counsel for the appellant, submits that the appellant was on bail during the trial and he never misused the liberty granted to him and he is languishing in jail from the date of judgment and the victim was aged about 19 years at the time of occurrence and therefore, she was the consenting party and therefore, the present appellant may be released on bail, during the pendency of the present appeal.

3. Mr. Vijay Kumar Roy, learned Addl. P.P. appearing for the State, has vehemently opposed the prayer for bail of the appellant on the ground that under the threat, the appellant obtained consent and thereafter committed rape upon the victim. He further submits that P.W.-6, the victim, has specifically taken the name of the present appellant and therefore, the appellant does not deserve to be released on bail, but he admits that he was on bail during the trial and never misused the liberty granted to him.

4. Having heard learned counsel for the parties and after going through the judgment of the trial court and considering the evidence of P.W. 3 (Doctor), P.W.-6 (Victim) and Ext.-1 (Medical Report) and the fact that the appellant was on bail during the trial and never misused the liberty granted to him, during the pendency of the appeal, the trial court (the learned District and Additional Sessions Judge-IV, Garhwa) is directed to admit the present appellant- Vikash Kumar Singh, on bail on such terms and conditions as he may deem fit and proper in connection with Sessions Trial No. 209 of 2011.

5. I.A. No. 6550 of 2016 stands disposed of.