

(2024) 07 JH CK 0041

In the Jharkhand High Court

Case No : Criminal Appeal (D.B.) No. 1731 Of 2023

Chanda Oraon

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 16-07-2024

Acts Referred:

Indian Penal Code, 1860 — Section 307, 324, 442, 452, 504, 506
Prevention Of Witch (DAAIN) Practices Act 2001 — Section 3

Citation : (2024) 07 JH CK 0041

Hon'ble Judges : Ananda Sen, J;Gautam Kumar Choudhary, J

Bench : Division Bench

Advocate : Kripa Shankar Nanda, Abhay Kumar Tiwari

Final Decision : Disposed Of

Judgement

I.A. No. 3640 of 2024

1. 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 under Sections 442, 452, 324, 307, 504 as well as 506 of the IPC and under Section 3 of Prevention of Witch (Daain) Practices Act in connection with Sessions Trial Case No. 239 of 2012 arising out of Basia P.S. Case No. 07 of 2012 (G.R. Case No. 72 of 2012). He has been sentenced to undergo Rigorous Imprisonment for 10 years and a fine of Rs. 10,000/- for the offence under Section 307 of the IPC.

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 State to oppose the bail, which the State availed and opposed.

5. From the evidence on record, we find that the doctor opined that the injuries upon both the injured persons are simple in nature and may not cause death.

6. Considering nature of offence and the statement of the Doctor, 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/- (Rs. Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I -Cum- Special Judge, Gumla, in connection with Sessions Trial Case No. 239 of 2012 arising out of Basia P.S. Case No. 07 of 2012 (G.R. Case No. 72 of 2012) with a condition that the appellant shall appear and mark his attendance before the Registrar, Civil Court, Gumla once in every four months till the disposal of this appeal.

I.A. No. 3640 of 2024 stands allowed.