
(2019) 12 JH CK 0003

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 495, 501, 554, 579, 802 Of 2019

Gulab Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 04-12-2019

Acts Referred:

Indian Penal Code, 1860 — Section 395
Arms Act, 1959 — Section 25(1B)a

Citation : (2019) 12 JH CK 0003

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Manoj Kumar, Azeemuddin

Final Decision : Allowed

Judgement

1. Heard counsel for the parties.

2. This appeal has been filed against the judgment of conviction and order of sentence dated 10.04.2019 and 15.04.2019 respectively passed by Additional Sessions Judge-II, Palamau at Daltonganj in Sessions Trial Case No. 152/2018 arising out of Sadar (Satbarwa) P.S. Case No. 132/2017 corresponding to G.R. No. 2129 of 2017 whereby the learned court below has convicted the appellant and other co-accused persons and sentenced them to undergo Rigorous imprisonment for a period of seven years for the offence punishable under Section 395 of the Indian Penal Code and also pay fine of Rs.; 5,000/-each in default of payment of fine the appellant and other co-accused persons are to undergo further imprisonment (S.I.) for six months. The appellant and other co-accused persons are also sentenced to undergo R.I. for a period of 3 years for committing offence under Section 25(1-B)a of the Arms Act and fine of Rs. 3,000/- In the event of non-payment of fine, they are to undergo S.I. for 4 months. All the sentences are to be run concurrently.

3. I.A. No. 5115 of 2019 has been filed by the appellant for suspension of

sentence and for release on bail during pendency of the appeal.

4. Learned counsel for the appellant submits that the appellant has been convicted by the learned court below and maximum punishment awarded to the appellant by the learned court below is 7 years. He submits that the appellant has already remained in custody for more than two years in connection with the present case. He submits that this case has already been tagged with other cases of the co-accused persons who have filed different appeals and the case of the appellant is similar to co-accused Nirantan Kumar Singh @ Nirantan Singh who has been enlarged on bail after suspending the sentence vide order dated 25.09.2019 in Cr. Appeal (S.J.) No. 554 of 2019.

5. Counsel appearing for the opposite party-State opposes the prayer for bail and submits that there are direct allegation against the appellant. Learned counsel also submits that in case this court is inclined to suspend the sentence of the appellant he should be directed to deposit fine amount before the learned court below and one of the bailer should be his father who is pairvikar of this case.

6. After hearing counsel or the parties and considering the facts and circumstances of this case and considering the fact that the co-accused Puranchand Singh and Nirantan Kumar Singh @ Nirantan Singh have been enlarged on bail after suspending the sentence vide order dated 25.09.2019 in Cr. Appeal (S.J.) No. 554 of 2019 and the appellant has remained in custody for more than two years, this court is inclined to suspend the sentence awarded to the appellant by the learned Addl. Sessions Judge-II, Palamau at Daltonganj in Sessions Trial No. 152 of 2018 arising out of Sadar (Satbarwa) P.S. Case No. 132/2017 corresponding to G.R. No. 2129 of 2017 during the pendency of this appeal and the above named appellant is directed to be released on bail on 25,000/-(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, Palamau at Daltonganj in Sessions Trial No. 152 of 2018 on the condition that one of the bailor must be the father of the appellant and the appellant will submit his Xerox copy of the Aadhar Card and cell number before the court below at the time of furnishing bail bonds. Further the appellants shall also deposit the fine amount before the learned court below. The learned court below is directed to verify the custody of the appellant in the present case before accepting the bail bond of the appellant.

7. Accordingly, I.A. No. 5115 of 2019 is hereby allowed.

8. It is pointed out that this court that other cases are which are tagged with this case are directed to be listed in the month of January, 2020.

9. Considering this fact, post this case on 07.01.2020 under appropriate heading.

10. Office is directed to communicate this order to the court concerned through FAX.