
(2020) 09 JH CK 0047

In the Jharkhand High Court

Case No : I.A. No. 835 Of 2020 In Cr. Appeal (D.B.)No. 861 Of 2019

Ishwar Gope @ Chottan Gope And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 201, 302
Code Of Criminal Procedure, 1973 — Section 389(1)

Citation : (2020) 09 JH CK 0047

Hon'ble Judges : Amitav K. Gupta, J;Rajesh Kumar, J

Bench : Division Bench

Advocate : J.S. Tripathi, Anuradha Sahay

Final Decision : Allowed

Judgement

1. This interlocutory application has been filed under Section 389 (1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail, to the appellant no.4, namely, Ritu Devi @ Ritu Kumari, during the pendency of the appeal.

2. The appellant no.4 stands convicted for the offences under Sections 302, 201 read with Section 34 of Indian Penal Code and sentenced to undergo rigorous imprisonment for life under Section 302 IPC and for four years under Section 201 IPC.

3. Having heard the learned counsel for the appellant and learned A.P.P and on perusal of the materials on record, it appears that PW-5 the son of the deceased has stated about the involvement of the appellant No.4 alongwith co-accused Pintu Yakav @ Pintu Gope in committing the murder of the deceased whereas PW-13 - the I.O in para-12 of his cross-examination has stated that PW-5 had not stated that the appellant alongwith co- accused Pintu Yadav had throttled his mother (the deceased). As per the post-mortem report and finding of the Doctor, (PW-9) the injuries caused by pressing of fingers was found on the neck of the

deceased. No other injuries were found on the body of the deceased. PW-13 has stated that PW-5 was produced before him by the grand parents and he did not have any idea as where PW-5 was for 3 days since the date of occurrence.

In the attending facts and circumstances, we are inclined to suspend the sentence and enlarge appellant no.4 on bail, during the pendency of the appeal, on her furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I, Bermo at Tenughat, in connection with S.T. No.207 of 2016 subject to the condition that she shall deposit Rs 5,000/- as part of the fine amount in the court below.

5. The appellant no.4, shall remain present before the Court as and when the appeal is taken up for hearing failing which her bail shall be cancelled.

6. I.A. No.835 of 2020 stands allowed.