
(2022) 03 JH CK 0069

In the Jharkhand High Court

Case No : Criminal Appeal (DB) No. 989 Of 2016

Khande Khan

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 30-03-2022

Acts Referred:

Citation : (2022) 03 JH CK 0069

Hon'ble Judges : Ananda Sen, J; Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Jasvinder Mazumdar

Final Decision : Allowed

Judgement

I.A. No.3567 of 2021

Heard the learned counsel for the appellant and learned counsel for the State.

By way of filing this interlocutory application the appellant has renewed his prayer to suspend the sentence and release him on bail, during pendency of this appeal.

Mrs. Jasvinder Mazumdar, the learned counsel appearing for the appellant submits that this is the case where prosecution has been filed by the complainant alleging that there was love affair between the accused and the complainant and on the pretext of marriage physical relationship was established. She further submits that further allegation is that the accused thereafter refused to marry.

On query, the learned counsel for the appellant submits that the girl admitted that she is major. She further submits that the appellant is in custody for nearly 5 years 9 months whereas the sentence imposed is of 12 years.

The learned A.P.P. has opposes the prayer for bail. Considering the period of custody and there is no likelihood of this appeal to be taken up in near future and the fact that the victim is major, we are inclined to release this appellant on

bail after suspending the sentence. The sentence against the appellant namely, Khande Khan is suspended and he is directed to be released on bail, during pendency of this appeal, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Jamtara in connection with Sessions Trial No.105 of 2013, subject to the condition that he will appear and mark his attendance once in every four months before the Registrar, Civil Court, Jamtara, till the disposal of this appeal.

Accordingly, this interlocutory application stands allowed.