
(2020) 11 JH CK 0059

In the Jharkhand High Court

Case No : Criminal Appeal (D.B) No. 203 Of 2019

Rohit Mehta @ Balla @ Monti @ Rohit Kumar Mehta

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 12-11-2020

Acts Referred:

Citation : (2020) 11 JH CK 0059

Hon'ble Judges : Aparesh Kumar Singh, J;Kailash Prasad Deo, J

Bench : Division Bench

Advocate : Hasnain Waris, Sanjay Kumar, Md. Hatim

Final Decision : Allowed

Judgement

Heard learned counsel for the appellant, Mr. Hasnain Waris, assisted by Mr. Sanjay Kumar and Md. Hatim, learned counsel for the State.

Prayer for suspension of sentence has been renewed by the appellant, Rohit Mehta @ Balla @ Monti @ Rohit Kumar Mehta through I.A. No.2891 of 2020. Learned counsel for the appellant has submitted that earlier the prayer for suspension of the sentence of the appellant has been refused on 26.06.2019, but subsequently co-convict, Ranjit Goswami @ Charka has been granted bail by co-ordinate Bench of this Court in terms of order dated 24.02.2020 passed in I.A. No. 9766 of 2019 in Criminal Appeal (D.B) No.235 of 2019. Learned counsel for the appellant has further submitted that the appellant has remained in custody for three years as on today and as such he may be enlarged on bail.

Learned counsel for the State, Md. Hatim, has opposed the prayer for bail, but has not disputed this fact that other co-convict has been granted bail by co-ordinate Bench of this Court.

Considering the rival submissions of the parties and looking into the facts and circumstances of the case and that the appellant has remained in custody for more than 3 years and co-convict, Ranjit Goswami @ Charka has been enlarged

on bail by suspending his sentence, this Court is also inclined to suspend the sentence of the appellant. Accordingly, during pendency of this appeal, the above- named appellant is directed to be enlarged on bail, on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - II, Koderma, in connection with S.T. No. 39 of 2018, subject to the following conditions:

(i) One of the bailors shall be the Pairvikar of the appellant, namely, Mr. Kuldip Kr. Mehta @ Kuldeep Kumar Mehta, resident of village Kalimanda, P.O. + P.S. Domchanch, District - Koderma, Jharkhand and having UID Card No.9492 4769 6400.

Office is directed to send the photocopy of the UID Card bearing no. 9492 4769 6400 of the Pairvikar along with a copy of this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be any one of following family member father/mother/ brother/sister/wife/ son.

(iii) The Jail Authority shall release the appellant only after his medical check-up.

(iv) The Civil Surgeon, Koderma, is directed to medically examine the appellant at the time of his release and if required, appellant shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(v) Appellant shall also comply with all the guidelines issued by the Government so as to meet the challenges of Covid - 19, as the country is passing through Pandemic.

(vi) The appellant and his bailors shall not change their address without prior permission of the learned trial court.

Accordingly, I.A. No.2891 of 2020 stands allowed.