
(2020) 05 JH CK 0037

In the Jharkhand High Court

Case No : Interlocutory Application No. 1608 Of 2020 In Criminal Appeal (S.J.)
No. 99 Of 2020

Rustam Ansari And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 07-05-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Arms Act, 1959 — Section 25(1A), 26(2), 35

Citation : (2020) 05 JH CK 0037

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : Lukesh Kumar, Sardhu Mahto

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 petitioners, during the pendency of the appeal.

2. The petitioners/ appellants have been convicted for the offence under Sections 25(1-A), 26(2) read with Section 35 of the Arms Act by the court of learned Additional Judicial Commissioner, II, Ranchi, in Sessions Trial No.361 of 2016.

3. Having heard learned counsel for the appellants, learned A.P.P and on perusal of the testimony of P.W. - 3, the informant, the Officer-in-Charge of Doranda Police Station, it appears that he has stated that he had apprehended the accused appellants at 04:40 P.M on 21.10.2014. He has admitted that the police station is situated at a distance of 1 K.M from the place of occurrence and the F.I.R was lodged on the next day, i.e., 22.10.2014 at 07:00 A.M. The explanation for the delay in lodging the F.I.R., does not appear to be convincing. P.W. - 2, the Sergeant Major, has stated that country made pistol and the live cartridges sent for examination to him did not bear any mark. P.W. - 3 has stated that the arms and ammunition seized from the possession of the petitioners were not sealed,

which is also admitted by P.W. - 5, the Investigating Officer.

In view of the testimony of P.Ws. - 2, 3 & 5, at this stage, there is a prima facie case for suspension of sentence of the petitioners who have remained in custody for 09 months and 10 months respectively. Accordingly, the appellants/petitioners, named above, are directed to be enlarged on bail, during the pendency of the appeal, on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Judicial Commissioner, II, Ranchi, in connection with Sessions Trial No.361 of 2016.

4. The appellants shall remain present before the Court, when the appeal is taken up for hearing, failing which their bail shall be cancelled.

5. I.A. No.1608 of 2020 stands allowed.