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(2024) 10 JH CK 0073

In the Jharkhand High Court

Case No : Criminal Appeal (SJ) No. 29 Of 2024

Shammu Gope @ Shambhu Gope — APPELLANT

Vs

State Of Jharkhand — RESPONDENT

Date of Decision : 15-10-2024

Acts Referred:
Indian Penal Code, 1860 — Section 307

Citation : (2024) 10 JH CK 0073

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Anjani Kumar, Anup Pawan Topno

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

I.A. No. 9397 of 2024

1. Heard Mr. Anjani Kumar, learned counsel appearing for the appellant and Mr. Anup Pawan Topno, learned counsel appearing for the State.

2. This appeal has already been admitted and the Trial Court Record is on the record.

3. I.A. No. 9397 of 2024 has been filed for grant of bail and suspension of sentence, during pendency of the present criminal appeal.

4. Learned counsel appearing for the appellant submits that the appellant has been convicted and sentenced vide judgment of conviction and order of sentence dated 19.12.2023 in Sessions Trial No.246 of 2023 arising out of Chaibasa Sadar P.S. Case No.91 of 2022 passed by the learned Sessions Judge, West Singhbhum at Chaibasa and he has been sentenced to undergo R.I. for 7 years and fine of Rs.20,000/- under Section 307 of IPC and in default of payment of fine, he has been further directed to undergo S.I. of 6 months. He submits that P.W.7 is the I.O. of the case and he has stated that knife was not recovered by him and even

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blood stained on the cloth has also not been recovered by him. He further submits that P.W.1 is the person who has received injury and he has deposed that there was no quarrel with the appellant. He then submits that the appellant and the informant are family members. He also submits that independent witnesses P.Ws. 4 and 6 have not supported the case.

5. Learned counsel appearing for the State opposed the prayer on the ground that even half of the sentence has not been completed by the appellant.

6. Considering that the appellant is in custody for one year and three months and that is disclosed in paragraph 18 of the said I.A., further P.Ws. 4 and 6 are independent witnesses and they have not supported the case of the prosecution and P.W.7 is the I.O. and he has deposed that he has not recovered knife and blood stained cloth, during the pendency of the present criminal appeal, I am inclined to enlarge the appellant on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, West Singhbhum at Chaibasa in connection with Sessions Trial No.246 of 2023, arising out of Chaibasa Sadar P.S. Case No.91 of 2022.

7. Accordingly, I.A. No.9397 of 2024 is allowed and disposed of.

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