

(2020) 09 JH CK 0156
In the Jharkhand High Court
Case No : A.B.A. No. 4233 Of 2020

Aaqueeb Raza Khan And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 21-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 341, 354, 427, 506, 509
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 09 JH CK 0156

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Vikram Singh, Vandana Bharti

Judgement

Heard the parties through video conferencing. Apprehending their arrest in connection with Jharia P.S. Case No.263 of 2019 instituted under Sections 341/323/354/427/506/307/509/34 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Mr. Vikram Singh- learned counsel for the petitioners undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners were teasing and using criminal force with intent to outrage the modesty of the women who were visiting Durga Puja fair near the Pandal and did not pay any heed to the organizer of the Puja in not doing such illegal acts and attacked the members of the Puja Committee and broke chairs. It is submitted that the allegation against the petitioners is false. Drawing attention of this Court towards para-13 of the instant anticipatory bail application, learned counsel for the petitioners submits that the petitioners have

no criminal antecedent. It is also submitted that the petitioners undertake that they will not go to or near the place of occurrence - Puja Pandal during the pendency of the case. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to pay ad interim victim compensation of Rs.20,000/- each without prejudice to their defence in this case in favour of the Organizer of New Red Cross Club. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned A.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned A.C.J.M, Dhanbad within six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on depositing a demand draft of Rs.20,000/- each as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the Organizer of New Red Cross Club and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount to the satisfaction of learned A.C.J.M, Dhanbad in connection with Jharia P.S. Case No.263 of 2019 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case and they will not go to or near the place of occurrence - Puja Pandal during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the informant and on his proper identification, the court below shall handover the same to him forthwith.