

(2012) 03 JH CK 0165
In the Jharkhand High Court
Case No : A.B.A. No. 25 of 2012

Baleshwar Rawani @ Ramani and Others

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 13-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)
Penal Code, 1860 (IPC) — Section 147, 307, 323, 324, 325

Citation : (2012) 03 JH CK 0165

Hon'ble Judges : Jaya Roy, J

Bench : Single Bench

Judgement

Jaya Roy, J.—Heard counsel for the petitioners and counsel for State. The counsel for the petitioners has submitted that earlier the instant case has been lodged against the petitioners only under Sections 147, 341, 323, 324, 325 and 379 of the Indian Penal Code, in which the petitioners had surrendered before the C.J.M., Deoghar, and they were released on bail by the court below. It is further stated that after investigation, charge sheet has been submitted u/s 147, 341, 323, 324, 325, 379, 307 and 504 of the Indian Penal Code and after cognizance u/s 307 I.P.C., non-bailable warrant has been issued against the petitioners in the aforesaid case, hence they are apprehending their arrest. Counsel for the petitioners has further submitted that once the bail is granted to the accused petitioners, their personal liberty cannot be curtailed only on the ground that the charge sheet has been submitted u/s 307 of the I.P.C. against them. In this regard, the counsel has relied upon a decision of this Court rendered in 2011(1) JLR 445, in which the Hon"ble Court has held -"Once the bail was granted, his personal liberty could not be curtailed merely on submitting charge sheet u/s 307 of the I.P.C. - anticipatory bail granted".

2. Counsel for the State has not opposed the aforesaid submissions made by the counsel for the petitioners. Considering the facts and circumstances of the case, the petitioners namely Baleshwar Rawani @ Ramani, Hakim Rawani @ Ramani, Birendra Rawani @ Ramani, Naresh Rawani @ Ramani, Belu Rawani @ Ramani,

Guhan Rawani @ Ramani, Raju Rawani @ Ramani and Suresh @ Bhutka Rawani @ Ramani are directed to surrender before the trial court/court below within a period of one month from the date of this order. If they surrender before the trial court/court below within the said period, the trial court/court below is directed to release the petitioners, above named, on bail, on furnishing bail bond of Rs.10,000/-(Ten Thousand) each, with two sureties of the like amount each, to the satisfaction of the trial court/court below/ Chief Judicial Magistrate, Deoghar, in connection with Jasidih P.S.Case No.130 of 2009, corresponding to G.R. Case No.507 of 2009, subject to the conditions that one of the bailors will be local resident having immovable property within the jurisdiction of the district concerned and the petitioners will remain physically present before the trial court /court below at least once in a month on the date fixed for trial till the conclusion of the trial and also subject to the conditions laid down u/s 438(2) Cr. P.C.