
(2020) 09 JH CK 0092
In the Jharkhand High Court
Case No : A.B.A. No. 2893 Of 2020

Basant Sahu

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 09-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120, 363, 370(i), 371, 374
Bonded Labour System (Abolition) Act, 1976 — Section 16, 18

Citation : (2020) 09 JH CK 0092

Hon'ble Judges : Dr. S. N. Pathak, J

Bench : Single Bench

Advocate : Gaurav, Prabhu Dayal Agrawal

Final Decision : Dismissed

Judgement

In view of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 AM onwards. They have no complaint in respect to the audio and video clarity and quality.

The petitioner is apprehending his arrest in connection with Khunti (AHTU) P.S Case No. 07/2020 dated 17.04.2020 for the offences registered under Sections 363/ 370(i)/374/371/120 B of the Indian Penal Code and under Section 16/18 Bounded Labour System Abolition Act, pending before the Court of learned Chief Judicial Magistrate, Khunti.

Heard Mr. Gaurav, learned counsel for the petitioner and Mr. Prabhu Dayal Agrawal, learned APP for the State.

Mr. Gaurav, learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case. The petitioner has not committed any offence as alleged in the First Information Report. The petitioner has been made an accused in the present case merely on

the basis of suspicion and doubt raised by unknown persons, which has no evidentiary value in the eyes of law. He further submits that in course of investigation, victim has never disclosed that she was kept in the house of the petitioner against her will or she was kept there for sending her to Delhi. In absence of any substantive piece of evidence, informant has implicated the petitioner. The prosecution has not produced any evidence with regard of human trafficking of victim girl. He further submits that petitioner is ready to abide by any terms and conditions imposed by this Hon'ble Court for grant of anticipatory bail. Hence, the petitioner may be given the privilege of anticipatory bail.

Learned APP opposes the prayer for grant of anticipatory bail and submits that accused-petitioner is named in the FIR and the allegation leveled against him is serious in nature. He further submits that in course of investigation, the prosecution witnesses including informant have fully supported the indulgence of this very accused in the alleged crime. Hence, this petitioner may not be granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case and nature of allegation leveled against the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, this anticipatory bail application stands rejected.