

(2020) 09 JH CK 0172

In the Jharkhand High Court

Case No : Bail Application No. 6736 Of 2020

Chandar Lohra @ Chandar Guruji

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 22-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 363, 365, 367, 368, 370
Bonded Labor System (Abolition) Act, 1976 — Section 16, 18
Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 75, 79
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 09 JH CK 0172

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Mohit Prakash, Vani Kumari, Vijay Kumar Sinha

Judgement

Heard, learned counsel for the petitioner, Mr. Mohit Prakash assisted by Mrs. Vani Kumari.

Learned counsel for the petitioner has submitted that defect no. 9 (i), as per Stamp Reporting dated 07.09.2020, has not been removed, which he undertakes to remove within 30 days after the physical court starts and has prayed that the bail application may be heard, as it is a regular bail application of the petitioner, who is in custody since 19.03.2020.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Gurdari P.S. Case No. 07/2020, for the offence registered under Sections 363, 365, 367, 368, 370 I.P.C., Sections 14/15

of Child Labour Act, Section 16/18 of Bonded Labour Prohibition Act and Sections 75/79 of J.J. Act.

Learned counsel for the petitioner has submitted that it is alleged by the informant that petitioner has induced the minor daughter of the informant and others and took them to Delhi to sell them, but in the way they were apprehended by Ranchi Railway Police and thereafter, the girls were recovered.

Learned counsel for the petitioner has submitted that though petitioner is named in the F.I.R., but victim has been examined under Section 164 Cr.P.C. where she has not named this petitioner, rather particularly to question-3, she has alleged about one other person, which has been brought on record as Annexure-2 paragraph-7 of the bail application.

Learned counsel for the petitioner has further submitted that petitioner has no criminal antecedent, as such, he may be enlarged on bail.

Learned counsel for the State, Mr. Vijay Kumar Sinha has opposed the prayer for bail and has submitted that petitioner was apprehended with the help of victim girls by the police, as such, petitioner may not be enlarged on bail as charge-sheet has already been submitted by the police.

Considering the rival submissions of the parties, looking into the fact and circumstances of the case as charge-sheet has already been submitted, petitioner has no criminal antecedent and victim has not taken name of the petitioner in her statement under Section 164 Cr.P.C., petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each in connection Gurdari P.S. Case No. 07/2020 to the satisfaction of learned Judicial Magistrate, Gumla on the following conditions:

(i) One of the bailors shall be the deponent / pairvikar of the present case namely, Shishupal Singh, son of Late Jitwahan Singh, resident of Village - Baraik Mohalla, P.O. & P.S. - Gumla, District - Gumla, who has furnished photocopy of his UID Card bearing number 5292 2934 9000 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 5292 2934 9000 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be close relative of the petitioner i.e. father / mother / wife / son / brother.

(iii) Petitioner shall appear before the trial court on each and every date till conclusion of the trial.

(iv) The Jail Authority shall release the petitioner only after his medical check-up.

(v) The Civil Surgeon, Gumla is directed to medically examine the petitioner at

the time of his release and if he is infected with corona virus, he shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(vi) The petitioner shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

Accordingly, the instant bail application is allowed.