
(2020) 08 JH CK 0097
In the Jharkhand High Court
Case No : Bail Application No. 5032 Of 2020

Egan Kandulna And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 363, 370(5)
Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 75, 81
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 08 JH CK 0097

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Kripa Shankar Nanda, Subodh Kumar Dubey

Final Decision : Allowed

Judgement

Heard, learned counsel for the petitioners, Mr. Kripa Shankar Nanda.

Learned counsel for the petitioners has submitted that defect nos. 9(i) to 9(iii), as per Stamp Reporting dated 13.07.2020, have not been removed,

which he undertakes to remove within 30 days after the lock down period is over and the bail application may be heard, as it is a regular bail

application of the petitioners.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioners shall remove the defect(s)

within 30 days after the lock down period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lock down period is over so as to remove the defect(s).

Learned counsel for the petitioners has submitted that the petitioners has prayed for grant of regular bail in connection with A.H.T.U. P.S. Case No.

03/2020, for the offence registered under Sections 363, 370(5)/34 I.P.C. and Sections 75/81 of Juvenile Justice (Care and Protection of Children) Act.

Learned counsel for the petitioners has submitted that F.I.R. has been lodged against three persons namely Jitendra Singh and these two petitioners.

However, in the statement of the victims recorded under Section 164 Cr.P.C., they have not stated anything against these petitioners, who are uncle of the victims.

Learned counsel for the petitioners has further submitted that petitioners have no criminal antecedents and they are in custody since 10.03.2020.

Learned counsel for the State, Mr. Subodh Kumar Dubey, Additional Public Prosecutor has opposed the prayer for bail and has submitted that the

victims are minor girls and as such, these petitioners may not be enlarged on bail.

Considering the rival submissions of the parties, since the victims have not alleged anything in her statement recorded under Section 164 Cr.P.C. and

petitioners have no criminal antecedent and they are in custody since 10.03.2020, the petitioners are directed to be released on bail on furnishing bail

bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each in connection with A.H.T.U. P.S. Case No. 03/2020

to the satisfaction of learned Chief Judicial Magistrate, Simdega on the following conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Santosh Jojo, son of Barika Jojo, resident of Village - Pahar Toli

Orgai, P.O. & P.S. - Jaldega, District - Simdega, who has furnished photocopy of his UID Card bearing number 3812 8868 2675 before this Court in

the bail application.

Office is directed to send the photocopy of UID Card bearing no. 3812 8868 2675 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 petitioners i.e. father / mother / son / wife / brother.

(iii) The Jail Authority shall release the petitioners only after their medical check-up.

(iv) The Civil Surgeon, Simdega is directed to medically examine the petitioners at the time of their release and if they are infected with corona virus,

they shall be taken for quarantine, but if no such requirement is there, they shall be released forthwith, if not wanted in any other case.

(v) The petitioners 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.