

(2020) 12 JH CK 0118
In the Jharkhand High Court
Case No : Bail Application No. 9794 of 2020

Gulam Rabbani @ Rabbani Ansari

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 395, 397

Citation : (2020) 12 JH CK 0118

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : R.R. Sinha, R. Ranjan

Final Decision : Dismissed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

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

The petitioner has moved this Court for grant of bail in connection with Ketar P.S. Case No.68 of 2020 registered under sections 395/397 of the

Indian Penal Code.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner along with co-accused persons committed

dacoity and caused hurt to the victim and looted mobile phone and cash. It is further submitted that the allegations against the petitioner are all false

and the looted mobile phone was recovered from the possession of the petitioner. It is next submitted that in the T.I. Parade, the petitioner has been

identified and this is not a case of dacoity rather it is a case of road accident and there is delay in lodging of the FIR. It is next submitted that the

petitioner has been in custody for a considerable period of time. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. on the other hand vehemently opposes the prayer for bail and submits that besides the petitioner being identified in T.I. Parade,

the looted mobile phone which has also been identified in T.I. Parade has also been recovered therefore, there is every chance of the petitioner

absconding if released on bail. Hence, it is submitted that the petitioner ought not to be admitted to bail.

Considering the serious nature of allegation against the petitioner of commission of dacoity, this Court is of the considered view that this is not a fit

case where the above named petitioner be admitted to bail. Accordingly, the prayer for regular bail of the above named petitioner is rejected.

Keeping in view the period of custody undergone by the petitioner and the serious nature of offences involved in this case, notwithstanding any order

in administrative side of this Court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months

from the date of receipt of this order by the trial court. It is made clear that the trial be conducted and witnesses be examined by observing the

precautions relating to COVID -19 Pandemic.