

(2020) 08 JH CK 0119
In the Jharkhand High Court
Case No : A. B. A. No. 2047 of 2020

Krishna Chandra Mahato And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 19-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 08 JH CK 0119

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : Soumitra Baroi, Mahua Palit

Final Decision : Allowed

Judgement

Heard the parties.

So far as defect no. 9 (i) is concerned, learned counsel for the petitioner undertakes to remove the same once the situation normalizes. As regards, the rest defects are concerned, the same are ignored.

Petitioners are apprehending their arrest in connection with Dhalbhumgarh P.S. Case No. 38 of 2019.

Allegation has been levelled to the effect that the husband of the informant was blamed for getting his son engaged as Para-teacher by exercising undue influence.

It has been alleged that on 16.07.2019, the accused persons had entered into the house of the informant and had intended to outrage her modesty and on raising the alarm, they had escaped after snatching her gold chain and purse containing cash of Rs. 1,600/-.

It appears that prior to institution of Dhalbhumgarh P. S. Case No. 38 of 2019, a case was instituted by the wife of the present petitioner no. 1 in Dhalbhumgarh

P. S. Case No. 37 of 2019 under various Sections including Section 376 I.P.C. in which allegation was levelled that the husband of the informant had committed rape upon the wife of the petitioner no. 1.

It would thus appear that the subsequent case was a retaliation of the Dhalbhumgarh P. S. Case No. 37 of 2019 and in such fact situation therefore, the false implication of the petitioner cannot be ruled out.

Regard being had to the facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioners.

Accordingly, the petitioners above named are directed to surrender in the court below within four weeks and pray for bail, and in that event, they shall be released 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 learned Judicial Magistrate 1st class, Ghatshila in connection with Dhalbhumgarh P.S. Case No. 38 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.