
(2020) 08 JH CK 0069
In the Jharkhand High Court
Case No : Bail Application No. 4983 Of 2020

Md. Ifran

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 380, 411, 413, 457

Citation : (2020) 08 JH CK 0069

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : J.N. Upadhyay, S.K. Srivastava

Judgement

Learned counsel for the petitioner has submitted that though there are defects i.e. defect nos.5(e), 9(i) to (iii) in the bail application as pointed out by

the stamp reporter but he has filed an undertaking that he shall remove the defect(s) after the lockdown period is over and the bail application may be

heard as it is a regular bail in which petitioner is in custody since 16.11.2019. Considering the same, this Court is inclined to hear the bail application on

merit but with condition that petitioner shall remove the defect(s) within 30 days after the lockdown period is over.

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

learned counsel for the petitioner, Mr. J.N. Upadhyay and learned counsel for the State, Mr. S.K. Srivastava.

Petitioner has prayed for grant of regular bail in connection with Seraikella P.S. Case No.126 of 2019, corresponding to G.R. No.125 of 2020, for the

offence registered under Sections 457, 380, 411, 413 IPC. Learned counsel for the petitioner has submitted that the unknown accused persons have

stolen one Vivo mobile Company, golden ear Jhumka, Tops, ATM card as well as cash of Rs.20,000/-.

Learned counsel for the petitioner has further submitted that it is alleged that mobile phone and one pair golden ear ring was recovered from the house

of the petitioner but the same articles has never been put on TIP that these properties, which has been seized by the police as stolen property.

Learned counsel for the petitioner has further submitted that on the basis of confessional statement of the petitioner recorded in another case i.e.

Seraikella P.S. Case No.131 of 2019 dated 16.09.2019, petitioner has been taken into custody. Learned counsel for the petitioner has further submitted

that apart from these two cases petitioner has no other criminal antecedent and petitioner is in custody since 16.11.2019, as such, he may be enlarged

on bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that recovery has been made from the house of the petitioner but

recover articles have not been put on TIP, as such, petitioner may not be enlarged on regular bail.

After hearing, learned counsel for the parties and perusing the materials brought on record, the petitioner (Md. Ifran), 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 to the satisfaction of learned Chief

Judicial Magistrate, Seraikella in connection with Seraikella P.S. Case No.126 of 2019, corresponding to G.R. No.125 of 2020 on the following

conditions:-

(i) One of the bailor shall be deponent of the present petition namely, Menhdi Hussain, S/o Asgar Hussain, R/o Kadamdiha, P.O. & P.S. Kharswan,

District- Seraikella-Kharswan having UID No.255253056145.

Office is directed to send photo copy of the UID Card bearing No. 255253056145 of deponent along with 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.

(iii) Petitioner shall appear before the learned trial court on each and every date, failing which the learned trial court shall cancel the bail bonds of the

petitioner.

- (iv) The Jail Authority shall release the petitioner only after his medical check- up.
- (v) The Civil Surgeon, Seraikella-Kharswan is directed to medically examine the petitioner at the time of his release and if require, petitioner 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) Petitioner shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through Pandemic of Covid-19.