

(2021) 04 JH CK 0007
In the Jharkhand High Court
Case No : A.B.A. No.1541 Of 2021

Md. Kamar Iqbal @ Bittu And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 05-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 324, 325, 354, 379, 504
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0007

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Talat Parween, Ruby Pandey, Rakesh Kr. Sinha

Final Decision : Allowed

Judgement

Heard the parties through video conferencing.

Apprehending their arrest in connection with Jorapokhar P.S. Case No.188 of 2020 instituted under Sections 147, 148, 149, 323, 324, 325, 307, 354, 379, 504 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners have committed theft of gold chain weighing 10 gm of the informant and when the same was protested, the petitioners came with 40 co-accused persons variously armed and outraged the modesty of the daughter of the informant namely Shivani Kumari and attempted to murder the husband of the informant by assaulting him with an iron rod and when the husband of the informant came to rescue, he was also assaulted. It is submitted that the allegation against the petitioners is false. It is next submitted that the petitioners undertake that they will not disturb or annoy the informant or any of her family members nor will they go to or near the house of the informant in any manner during the pendency of the case. It is lastly submitted

that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.80,000/- without prejudice to their defence in this case in favour of the informant. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned J.M.- 1st Class, Dhanbad within six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.80,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount to the satisfaction of learned J.M.- 1st Class, Dhanbad in connection with Jorapokhar P.S. Case No.188 of 2020 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case and they will not disturb or annoy the informant or any of her family members nor will they go to or near the house of the informant in any manner during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the informant and on her proper identification, the court below shall handover the same to her forthwith.