
(2020) 11 JH CK 0160
In the Jharkhand High Court
Case No : A.B.A. No. 5510 Of 2020

Md Khalil @ Khalo @ Shekh Khalil And Ors
Vs

APPELLANT

State Of Jharkhand

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376, 504, 506
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 11 JH CK 0160

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : A.K. Chaturvedy, M.K. Mishra

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioners 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 petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Basia P.S. Case No.69 of

2020 registered under sections 376/504/ 506 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the co-accused-Shekh Naiyar who is the son of the

petitioner no.1 and also the brother of the petitioner no.2 established sexual relationship with the victim girl on the pretext of marriage but did not marry

her and the petitioners also did not agree for the said marriage and the petitioner no.2 threatened the victim girl to keep herself away from his brother.

It is further submitted that the allegations against the petitioners are all false and the main allegation is against the co-accused-Shekh Naiyar. It is then

submitted that the petitioners are ready and willing to jointly pay Rs. 10,000/- as ad interim victim compensation to the informant without prejudice to

their defence in this case and undertake to cooperate with the investigation of the case and also undertake that they will not annoy or disturb the

informant in any manner during the pendency of the case. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioners

be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of six weeks from the date of this order, they

shall be released on bail on jointly depositing a demand draft of Rs. 10,000/- as ad interim victim compensation in favour of informant and on furnishing

bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,

Gumla, in connection with Basia P.S. Case No.69 of 2020 with the condition that the petitioners will cooperate with the investigation of the case and

appear before the Investigating Officer as and when noticed by him and will furnish their mobile numbers and a copy of their Aadhar Cards in the

court below with the undertaking that they will not change their mobile numbers during the pendency of the case with further condition that they will

not annoy or disturb the informant in any manner pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioners deposit the ad interim victim compensation amount, the court below is directed to issue notice to the informant and hand over

the said demand draft to him, after proper identification.