
(2020) 08 JH CK 0047

In the Jharkhand High Court

Case No : Bail Application No. 4844 of 2020

Motallik Ansari

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 363, 365, 367, 368
Bonded Labour System (Abolition) Act, 1976 — Section 16, 18
Child Labour (Prohibition and Regulation) Act, 1986 — Section 14, 15, 18
Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 75, 79
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 08 JH CK 0047

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Ritesh Kumar, Satish Kumar Keshri

Judgement

Learned counsel for the petitioner has submitted that there are defect(s) being 9(i) to 9(v) in the instant bail application, as pointed out by the Stamp

reporting dated 07.07.2020, but he has given 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 the petitioner is in custody since 27.10.2019.

Considering the same, this Court is inclined to hear the bail application on its merits, but with condition that petitioner shall remove the defect within 30

days after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order within 30 days after the lockdown period is over so as to remove the

defect(s).

Heard, learned counsel appearing for the petitioner and learned Additional Public

Prosecutor for the State.

The petitioner, who is accused for offence under Sections 370/371/363/365/367/368/34 of the Indian Penal Code, under Sections 16/18 of the Bonded

Labour System (Abolition) Act, under Sections 14/15/18 of the Child Labour Act and under Sections 75/79 of the Juvenile Justice Act, prays for

regular bail in connection with Ghaghra P.S. Case No.85 of 2019 corresponding to G.R. No.757 of 2019.

Learned counsel for the petitioner has submitted that other co-accused, Rina Devi @ Rupashree Kumari and Nasir Ansari have been enlarged on bail

by Co-ordinate Bench of this Court vide orders dated 27.02.2020 and 05.02.2020 passed in B.A. No.1405 of 2020 and B.A. No.725 of 2020

respectively and their names also figured in the statement of victim recorded under Section 164 Cr.P.C. as the persons who took her to Delhi and

engaged her in the house of Niraj Jain, but she has never been paid salary. Learned counsel for the petitioner has further submitted that the petitioner

is in custody since 27.10.2019, as such, petitioner may also be enlarged on bail.

Learned counsel for the State has opposed the prayer for regular bail, but has not disputed the factual aspect of the matter that the co-accused

persons have been enlarged on bail by Co-ordinate Bench of this Court on payment of victim compensation, but victim compensation can only be

imposed only after conviction in the case.

Considering the rival submissions of the parties and since other co-accused, Rina Devi @ Rupashree Kumari and Nasir Ansari have been enlarged on

bail by Co-ordinate Bench of this Court vide orders dated 27.02.2020 and 05.02.2020 passed in B.A. No.1405 of 2020 and B.A. No.725 of 2020

respectively, as such, the petitioner [Motallik Ansari], is directed to be released on regular bail, on furnishing bail bonds of Rs.25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gumla, in connection with

Ghaghra P.S. Case No.85 of 2019 corresponding to G.R. No.757 of 2019, subject to the following conditions :-

(i) One of the bailors shall be deponent of the present case, namely, Ayub Ansari, S/o Gamhiruddin, R/o Village- Basua, P.O. & P.S. Gumla, District -

Gumla, and having his UID NO.4374 1555 9567.

Office is directed to send a copy of this order along with photocopy of the UID Card bearing No. 4374 1555 9567 of deponent to the court below so

as to verify the authenticity of the bailor/deponent.

(ii) Another bailor shall be close relatives of the petitioner i.e. mother/ son/ wife / brother etc..

(iii) The Jail Authority shall release the petitioner only after his medical check-up.

(iv) The Civil Surgeon, Gumla is directed to medically examine the petitioner at the time of his release and if it requires, 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.

(v) Petitioner shall appear before the learned trial court on each and every date fixed for his appearance and if any violation in the terms and

conditions of the bail is found, the trial court shall cancel the bail bonds of the petitioner.

(vi) Petitioner shall also comply with all the guidelines issued by the Government so as to meet the challenges of Covid-19, as the country is passing

through Pandemic of Covid-19.

(Kailash Prasad Deo, J.) Sandeep/R.S.