
(2020) 09 JH CK 0066
In the Jharkhand High Court
Case No : Bail Application No. 5846 Of 2020

Munna Nayak

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 07-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 370(I)(II), 376
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 09 JH CK 0066

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Altamash Khan, V.N. Jha

Final Decision : Allowed

Judgement

Heard, learned counsel for the petitioner, Mr. Altamash Khan. Learned counsel for the petitioner has submitted that defect nos. 4, 5(e) and 9 (i) to (vi), as per Stamp Reporting dated 26.08.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and the bail application may be heard, as it is a regular bail application of the petitioner and petitioner is in custody since 14.01.2020.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with A.H.T.U. P.S. Case No. 01/2020 corresponding to G.R. No. 181/2020 for the offence registered under Sections 370(I)(II) / 376 / 34 I.P.C.

Learned counsel for the petitioner, Mr. Altamash Khan has submitted that it is alleged that two persons namely Md. Mantu and Md. Asrafil have taken the victim on false plea to the petitioner (husband of the victim) that they will provide job to the victim and paid advance of Rs. 20,000/-, but subsequently she was sold to one Vikash Singh of Uttar Pradesh at Rs.80,000/-.

Learned counsel for the petitioner has submitted that police has not collected any material that this petitioner, who is husband of the victim, has any knowledge regarding sell of his wife, rather he has been duped by co-accused Md. Mantu and Md. Asrafil, who took his wife and sold her to Vikash Singh.

Learned counsel for the petitioner has submitted that petitioner is in custody since 14.01.2020 and the statement of victim recorded under Section 164 Cr.P.C. has not been given to the petitioner, as such, he could not file the same before this court, but has submitted that nothing has been alleged against the petitioner by the wife with regard to sale in connivance, as such, he may be granted bail.

Learned counsel for the State, Mr. V. N. Jha, Additional Public Prosecutor has opposed the prayer for bail and has submitted that Rs.20,000/- has been taken by this petitioner and this petitioner never turned up to receive the victim when she was recovered by the police, as such, being husband, he has committed a serious crime.

Considering the rival submissions of learned counsel for the parties, since there is no material regarding sell of victim and connivance of this petitioner, Munna Nayak, who is husband, rather it is alleged that Munna Nayak has been duped by the other co-accused persons on plea that they will provide her a job and advance of Rs.20,000/- was paid, as such, the petitioner, who is husband, 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 in connection with A.H.T.U. P.S. Case No. 01/2020 corresponding to G.R. No. 181/2020 to the satisfaction of learned C.J.M., Lohardaga on the following conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Raj Kumar Mahli, son of Butan Mahli, resident of Bhakso Dumar Toli, P.O. - Arkosa, P.S. -Lohardaga Bhakso, District - Lohardaga, who has furnished his photocopy of UID Card bearing number 6562 8333 9431 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 6562 8333 9431 of deponent alongwith 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 i.e. father / mother / son / wife / brother.

(iii) Petitioner shall appear before the learned trial court on each and every date till conclusion of the trial, failing which the 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, Lohardaga is directed to medically examine the petitioner at the time of his release and if he is infected with corona virus, he 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) The petitioner shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

Accordingly, the instant bail application is allowed.