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**(2014) 05 JH CK 0059**  
**In the Jharkhand High Court**  
**Case No : A.B.A. No. 127 of 2014**

Prameshwari Devi

APPELLANT

Vs

State of Jharkhand

RESPONDENT

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**Date of Decision :** 01-05-2014

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 438, 438(2), 440  
Juvenile Justice Act, 1986 — Section 23, 26  
Penal Code, 1860 (IPC) — Section 370(3), 370(A)(i)

**Citation :** (2014) 3 AJR 397

**Hon'ble Judges :** P.P. Bhatt, J

**Bench :** Single Bench

**Advocate :** Zaid Ahmed, Advocate for the Appellant

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## Judgement

P.P. Bhatt, J.—Present application has been filed under sections 438 and 440 of the Code of Criminal Procedure seeking anticipatory bail as the petitioner has a reasonable apprehension of her arrest in connection with A.H.T.U. Simdega. Case No. 9 of 2013 corresponding to G.R. No. 506 of 2013 registered for the offence punishable under sections 370(A)(i) of the Indian Penal Code as well as Sections 23 and 26 of Juvenile Justice Act, now pending in the court of learned Chief Judicial Magistrate, Simdega. Heard learned counsel appearing for the petitioner as well as learned APP appearing on behalf of the State. Perused the FIR and other papers attached to this petition.

2. Learned counsel for the petitioner submitted that the present petitioner is the sister of the main accused Mukesh Sao and she is not connected in any manner with the alleged offence. It is submitted that petitioner is an innocent person and has been falsely implicated in the alleged crime. It is further submitted that the allegation made against the present petitioner in the FIR is that she gave shelter to the victim girls brought by her brother Mukesh Sao for a night in her residence; except that there is no allegation with regard to any active role played in the alleged offence. It is further submitted that the present petitioner is having

no criminal antecedent. It is further submitted that main accused persons namely Mukesh Sao and Mahesh Lohra have been granted regular bail by a Bench of this Court in B.A. No. 349 of 2014 dated 25.2.2014 and B.A. No. 2138 of 2014 dated 15.4.2014 respectively. It is lastly submitted that the petitioner is ready and willing to cooperate with investigation of the case and shall abide the terms and conditions that may be imposed by this court and therefore, the petitioner may be granted anticipatory bail.

3. Learned A.P.P. opposed the anticipatory bail application and submitted that the petitioner is named in the FIR and specific role has been attributed in the FIR against the present petitioner. The learned A.P.P. while opposing the anticipatory bail application submitted that investigation of the instant case is under progress and looking to the allegation made in the FIR the ingredients of section 370(3) and (4) of the Indian Penal Code are also likely to be added at the time of filing of the charge-sheet and therefore, looking to the seriousness of the allegation and considering the gravity of the offence which is likely to be made out against the present petitioner, she may not be granted anticipatory bail.

4. Learned counsel for the petitioner in response to the aforesaid submission made by the learned A.P.P. submitted that as per the allegation made in FIR even no offence has been made out against the present petitioner as ingredients of section 370(A)(i) of the Indian Penal Code are not satisfied in the instant case against the present petitioner. Likewise, ingredients of section 26 of the of the Juvenile Justice Act are also not attracted against the present petitioner. Considering the aforesaid rival submissions and having regard to the facts and circumstances of the present case and also looking to the role attributed to the petitioner and nature and gravity of accusation made against the present petitioner and also considering the fact that the petitioner is sister of the main accused Mukesh Sao, having responsibility of minor children, having no criminal antecedents the petitioner deserves to be granted anticipatory bail. Moreover the main accused persons namely Mukesh Sao and Mahesh Lohra have been granted bail as per order passed in B.A. No. 349 of 2014 and B.A. No. 2138 of 2014 respectively. Therefore, considering the nature and gravity of accusation present petitioner is required to be granted anticipatory bail. Accordingly, the petitioner, namely Prameshwari Devi, in the event of her arrest or surrender within a period of two weeks from the date of this order, is directed to be released on executing bail bond of Rs. 10000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Simdega subject to the condition as laid down under section 438(2) of the Code of Criminal Procedure.