

(2023) 07 JH CK 0049

In the Jharkhand High Court

Case No : Bail Application No. 3397 Of 2023

Sanchu Nayak @ Jaynath Nayak

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 27-07-2023

Acts Referred:

Indian Penal Code, 1860 — Section 323, 376(D)

Citation : (2023) 07 JH CK 0049

Hon'ble Judges : Rajesh Kumar, J

Bench : Single Bench

Advocate : Madhav Prasad, Sardhu Mahto

Judgement

Rajesh Kumar, J

1. The applicant who is in custody since 25.01.2023 has approached this Court for grant of regular bail in connection with S.T. Case No.128 of 2022 arising out of Anandpur P.S. Case No.23 of 2017, corresponding to G.R. Case No.410(S)/2017, registered for the offence under Sections 376(D) and 323 of IPC.

2. The applicant is an accused of committing rape.

3. It has been submitted by learned counsel for the applicant(s) that complete set of F.I.R. alongwith its enclosure have been annexed with this bail application and there is no suppression on his/her part.

Innocence has been claimed by the learned counsel for the applicant and undertaking has been given for participation in the trial. It has been submitted that the co-accused has faced the trial and has already been acquitted. On the above basis, prayer for bail has been made

4. Learned A.P.P. has opposed the prayer for bail of the applicant and submitted that the incident is of the year 2017 while this applicant has surrender only on 25.01.2023.

5. From perusal of record, it appears that the charge has been framed on 15.02.2023 but till date not a single witness has been examined.

6. Considering the above facts, the applicant, named above, is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-IV, Chaibasa, West Singhbhum in connection with S.T. Case No.128 of 2022 arising out of Anandpur P.S. Case No.23 of 2017, corresponding to G.R. Case No.410(S)/2017, subject to condition that one of the bailor will be the close relative of this applicant and the sureties will be the landed property belonging to the family of this applicant. Further, the applicant will submit self-attested photocopy of his Aadhaar Card and also submit his mobile number before the learned court below which he will always keep active and will not change it during pendency of this case without prior permission of the court.