

(2011) 07 JH CK 0133

In the Jharkhand High Court

Case No : Criminal Application (DB) No. 861 of 2010

Shakeel @ Kallu @ Md. Kallu

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 34

Citation : (2011) 07 JH CK 0133

Hon'ble Judges : R.K. Merathia, J;P.P. Bhatt, J

Bench : Division Bench

Judgement

1. Heard the learned Counsel for the Appellant and the learned APP for the State on the point of bail on behalf of the Appellant.

2. It is submitted that the Appellant has been convicted with the add of Section 34 IPC only because of the fact that PW8, the alleged eyewitness, said that the Appellant was instigating the main accused persons to kill the deceased persons; and that the prosecution case is specific against co convicts Md. Ziaur Rahman @ Gopi @ Gopy Khan that he and co convict Alam killed the deceased Manoj Singh and Manoj Vishwakarma by causing several firearms injuries and the allegation against co convict Ritik is also specific that he caused Bhujali injuries on one of the deceased Manoj Vishwakarma.

3. Counsel for the State pointed out that the bail of the co convict Md. Ziaur Rahman @ Gopi @ Gopy Khan was rejected on 26/07/2010 vide connected Cr. Appeal (DB) No. 451 of 2010.

4. Considering the facts and circumstances of the case, during pendency of the appeal, Appellant Shakeel @ Kallu @ Md. Kallu is directed to be released on bail on furnishing bail bonds of Rs. 10,000/(ten thousand) with two sureties of the like amount each to the satisfaction of the trial court (Sessions Judge, Dhanbad) in connection with Sessions Trial No. 179 of 2009/377 of 2009, subject to the conditions that one of the bailers will be his close relative and the other should

have landed property within the local jurisdiction of the Court and he will not leave India without permission of this Court.