
(2020) 09 JH CK 0141

In the Jharkhand High Court

Case No : Bail Application No. 6554 Of 2020

Shankhi Murmu @ Sankhi Murmu

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 18-09-2020

Acts Referred:

Prevention Of Corruption Act, 1988 — Section 7(a)

Citation : (2020) 09 JH CK 0141

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : A. K. Sahani, Priya Shrestha

Final Decision : Dismissed

Judgement

Learned counsel for the petitioner has submitted that though there are defect nos.5(d) and 9(i) and 9(ii) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects within 30 days after the physical court starts and prayed for hearing of the bail application, as petitioner is in custody since 12.01.2020. Considering the same, this Court is inclined to hear the bail application on merits, but with condition that petitioner shall remove the defects within 30 days after the 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 defects. Heard, learned counsel for the petitioner, Mr. A. K. Sahani and learned counsel for the Vigilance, Mrs. Priya Shrestha.

Learned counsel for the petitioner has submitted that petitioner has prayed for grant of regular bail in connection with Jamshedpur (A.C.B.) P.S. Case No.02 of 2020 corresponding to Vigilance Case No.04 of 2020, for the offence registered under Section 7 (a) of the Prevention of Corruption Act. Learned counsel for the petitioner has submitted that prayer for bail of this petitioner (lady) has been

refused earlier by this Court on 18.05.2020 passed in B.A. No.2355 of 2020 as because she was caught red-handed with an amount of Rs.4,000/- as bribe and accordingly, this Court was not inclined to enlarge the petitioner on regular bail and her prayer for bail was dismissed. Learned counsel for the petitioner has further submitted that since from the date of custody of the petitioner, seven months have already elapsed, as such, this Court may reconsider the prayer for bail and any grant bail to the petitioner as chargesheet has already been submitted in this case. Learned counsel for the petitioner has further submitted that the petitioner is lady having two children, as such, she may be enlarged on regular bail as they are suffering.

Learned counsel for the Vigilance has opposed the prayer for bail on the ground that even though the petitioner is a lady, but she has involved herself under the P.C. Act, as such, a case under Section 7 (a) of the P.C. Act is made out and the petitioner has taken Rs.4,000/- as bribe and caught red-handed as the informant was in need of genealogical table which is being issued on the basis of recommendation made by the Halka Karamchari and the Mukhiya to the Circle Officer of the said circle, as such, petitioner may not be granted regular bail.

Considering the rival submission of the parties and looking to the facts and materials brought on record and looking to the nature of offence, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail is hereby rejected. The learned trial court is directed to expedite the trial as early as possible. However, the petitioner is at liberty to renew her prayer for bail after remaining in custody for one year from the date of custody i.e. 12.01.2020.