
(2020) 05 JH CK 0028

In the Jharkhand High Court

Case No : Crimnal Appeal (S.J.) No. 227 Of 2020

Vishal Kumar

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 06-05-2020

Acts Referred:

Indian Penal Code, 1860 — Section 354(D)
Information Technology Act, 2000 — Section 67, 67(A)
Scheduled Castes And Tribes (Prevention Of Atrocities) Act, 1989 — Section 3

Citation : (2020) 05 JH CK 0028

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Lukesh Kumar, Lily Sahay

Final Decision : Allowed

Judgement

This is an appeal for grant of regular bail in connection with S.C./S.T.(POA) Act, 1989.

Learned counsel for the appellant, Mr. Lukesh Kumar has submitted that appellant has been made an accused in connection with Namkum P.S. Case No.50 of 2020 consequent in Misc. Criminal Application No.286 of 2020 under Section 354(D) of IPC, Section 67/67(A) of the Information Technology Act and Section 3 of S.C./S.T. (POA) Act pending in the Court of Additional Judicial Commissioner-VII-cum-Spl. Judge S.C./S.T., Ranchi.

Learned counsel for the appellant has submitted that though there is defect(s) with regard to enclosure in the fardbeyan and the same could not be removed as the enclosure to the F.I.R. has not been supplied to the appellant and in the First Information Report, the enclosure has been written as Yathoparokt without disclosing the number of document and contents thereof, as such, defect(s) no.9(ii) may presently be ignored.

Learned counsel for the appellant has submitted that appellant had love and

affair with the daughter of the informant but the informant had negotiated her daughter marriage with I.A.S. Officer or other higher officials, which was opposed by this appellant, as such, appellant has been falsely implicated in this case, who has no criminal antecedent and is in custody since 15.02.2020. The charge-sheet has already been submitted on 11.04.2020, as such, there is no chance of tempering with the materials during investigation as the entire material has already been collected by the Police during investigation, as such, appellant may be enlarged on bail on some conditions considering his period of custody.

Learned counsel for the State Mrs. Lily Sahay, Additional Public Prosecutor has opposed the prayer for bail and submitted that in the impugned order it has been specifically mentioned that at the time of remand certain photocopies of message sent by appellant to the daughter of the informant has been produced by the police, as such, there is sufficient material to constitute an offence against the appellant. The appellant may not be enlarged on bail as it is a case of unmarried daughter of the informant.

Heard, learned counsel for the appellant and learned counsel for the State and perused the materials for consideration of bail as appellant has no criminal antecedent and is in custody since 15.02.2020. The appellant has pleaded that he had an affair with the daughter of the informant but he has not produced any document in support of his contention. Considering the period of custody of the appellant, he is directed to be enlarged on bail of personal bond of Rs.5,000/-, as the Country is presently passing through a pandemic disease (COVID-19), as such, the appellant be released on following conditions:

- (i) As soon as the lock down period is over, the appellant shall furnish two bailors/sureties of the amount of Rs. 20,000/- (Rupees Twenty Thousand) each within a period of 30 days before the learned trial court.
- (ii) Appellant shall appear before the learned trial court on each and every date till conclusion of the trial by producing himself before the learned Trial Court.
- (iii) The Jail Authority shall ensure medical examination of the appellant at the time of release due to pandemic disease (COVID-19).
- (iv) At the time of release, the Civil Surgeon, Ranchi is directed to medically examine the appellant and if requires, appellant shall be taken for quarantine, but if no such requirement is there, he shall be released.

Accordingly, the instant Criminal Appeal is hereby allowed.