

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 4156 of 2020

Kamran Ansari @ Karu

.... Petitioner(s).

Versus

The State of Jharkhand

... Opp. Party(s).

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
Through: Video Conferencing

For the Petitioner(s) : Ms. Shruti Shrestha, Advocate.
For the State : Mr. P.K. Appu, A.P.P.

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03/11.09.2020: The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 11:00 A.M. They have no complaint in respect of the audio and video clarity and quality.

This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defects, pointed out by the office.

Considering the pandemic situation where the Court has minimized the footfall of the lawyers and their clerks in the Court, this Court felt proper to get all the cases listed before this Court so that the defects can be looked into at this stage only. Thus, this case is listed today before the Court directly.

The defect(s) as pointed out by the office, stand ignored for the present.

With the consent of the parties, the matter is taken up for hearing on merits.

Heard the counsel for the parties.

The petitioner is an accused for the offence punishable under Section(s) 306 of the Indian Penal Code.

The petitioner is in custody since 1.12.2017. The prayer for bail of the petitioner was rejected thrice. The last rejection was on the ground that evidence was in progress. Now due to COVID-19, the courts are not functioning physically and the witnesses are not being examined and three witnesses are yet to be examined in this case, which is apparent from the order impugned.

Learned A.P.P opposes the prayer for bail of the petitioner.

Consigning the period of custody and the fact that the courts are not functioning physically and the evidences are not being recorded, I am inclined to release the petitioner on bail. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I, Chaibasa in connection with Kiriburu P.S. Case No. 09/2017 (S.T. No. 106 of 2018), with the following conditions:-

(1) One of the bailers should be his close relative having sufficient landed property in his/her own name within the district concerned.

(2) The petitioner will not change his residential address without permission of the Court and will submit the proof of his residential address at the time of furnishing bail bond(s).

(3) The petitioner will appear before the Officer-in-Charge, Kiriburu Police Station (District- Chaibasa) once in a month and shall mark his attendance till completion of the trial. If he fails to appear in any particular period, his bail bonds shall stand cancelled and the Officer-in-Charge would be at liberty to arrest the petitioner.

I direct the Jail Authority that before releasing the petitioner from jail, the Jail Authority should get the petitioner tested for COVID-19. If the report is positive, then the District Administration will immediately take steps to isolate the petitioner and get him treated in COVID-19 Centre by following all the protocols.

This direction is given in the larger public interest and it should not be construed as a condition of bail.