

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A. No. 6031 of 2020

Sukhvendra Singh @ Sulvendra Singh Petitioner

Versus

The State of Jharkhand Opp. Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioner : Mr. Lalit Yadav, Advocate.

For the State : Mrs. Ruby Pandey, A.P.P.

02/Dated: 14/09/2020

Heard, learned counsel for the petitioner, Mr. Lalit Yadav.

Learned counsel for the petitioner has submitted that defect nos. 9 (i) to (vi), as per Stamp Reporting dated 27.08.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and the bail application may be heard, as it is a regular bail application of the petitioner, who is in custody since 17.03.2020.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after 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 defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Madhupur P.S. Case No. 37/2020 for the offence registered under Sections 370, 365, 34 I.P.C. and subsequently Section 376 I.P.C. has been added vide order dated 16.03.2020.

Learned counsel for the petitioner has submitted that petitioner is not named in the F.I.R. It is alleged in the First Information Report that daughter of the informant was missing on 04.01.2020 and on 28.02.2020, an F.I.R. has been lodged that petitioner has purchased the daughter of the informant.

Learned counsel for the petitioner has submitted that police after investigation has not submitted charge-sheet under Section 376 I.P.C., rather on the basis of the statement of victim recorded under

Section 164 Cr.P.C., no case is made out against the petitioner as victim is twice married, but her conjugal life was not happy, as such, she fled away and solemnized marriage with this petitioner, as such, petitioner, who is in custody since 17.03.2020, may be enlarged on bail.

Learned counsel for the State, Mrs. Ruby Pandey, Additional Public Prosecutor has opposed the prayer for bail and has submitted that case diary, statement of the victim recorded under Section 164 Cr. P.C. are necessary for proper adjudication of the bail application, as such, four weeks time may be granted to file counter affidavit in this case.

Considering the rival submissions of the parties, looking into the gravity of the offence, this court is inclined to grant four weeks' time to the State counsel to file counter affidavit so as to bring on record the material collected during investigation as well as statement of the victim recorded under Section 164 Cr.P.C.

Put up this case after four weeks.

(Kailash Prasad Deo, J.)

Sunil-Jay/