

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3129 of 2020

1. Durga Charan Gorain
2. Sadhu Gorain @ Kartik Gorain
3. Rakesh Gorain

..... Petitioners

Versus

1. The State of Jharkhand
2. Josana Devi

.....Opposite Parties

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioners : Mr. Sunil Singh, Advocate
For the State : Ms. Nikki Sinha, A.P.P.

02/Dated: 09/09/2020

Learned counsel for the petitioners has submitted that though there are defect nos. 9(i) & 9(ii) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defect within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioners are apprehending their arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the anticipatory bail application on merits, but with condition that petitioners 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 defect.

Heard, learned counsel for the petitioners, Mr. Sunil Singh and learned counsel for the State, Ms. Nikki Sinha.

Learned counsel for the petitioners has submitted that petitioners are apprehending their arrest in connection with C.P. Case No.864 of 2019, for the offence registered under Sections 323, 327, 354, 379, 506, 511 & 34 IPC.

Learned counsel for the petitioners has submitted that as per the complaint case the O.P. No.2 has alleged that petitioner no.1 snatched golden her chain, petitioner no.2 has outraged her modesty and petitioner no.3 has caught hold her legs.

Learned counsel for the petitioners has further submitted that police report has been submitted on 29.06.2019 with regard to an occurrence before the court of S.D.M., Chas vide non-FIR P.S. Case No.15 of 2019, which has been brought on record as Annexure-4.

Learned counsel for the petitioners has further submitted that a proceeding under Section 107 Cr.P.C. has been initiated, but a false case has been instituted on the basis of the complaint petition, as petitioners have no criminal antecedent, as such, petitioner may be enlarged on anticipatory bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that this case arises out of a complaint case, as such, notice may be issued to the O.P. No.2.

Considering the rival submission of the parties, let notice be issued to O.P. No.2 under both process i.e. under registered cover with A/D as well as under ordinary process for which requisites etc. must be filed within two weeks.

O.P. No.2 may file counter-affidavit, if so desire.

State counsel may also file counter-affidavit.

Put up this case after appearance of the O.P. No.2.

In the meantime, no coercive steps shall be taken against the petitioners/ not to arrest the petitioners in connection with C.P. Case No.864 of 2019 pending in the court of learned J.M. 1st Class-cum-Addl, Civil Judge (Jr. Div.), Bokaro.

(Kailash Prasad Deo, J.)