

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 260 of 2021

Nayan Keshri ... .. Appellant

Versus

1. The State of Jharkhand

2. Rojlin Kullu ... .. Respondents

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant

: Mr. J.S. Singh Adv.

For the State

: Mr. P.D. Agarwal, APP

For the informant

: Ms. M.A. Tete, Advocate

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The matter was taken up through Video Conferencing. Learned counsel for the parties had no objections with it and submitted that the audio and video qualities are good.

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03/06.09.2021: Defect pointed out by the office is ignored.

The present application has been filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016.

Heard learned counsel for the appellant, learned APP for the State and learned counsel for the informant.

This criminal appeal has been filed against the order dated 22.06.2021 passed by learned Addl. Sessions Judge-cum- Special Judge, Simdega in Special (S.C./S.T.) Case No.4 of 2020 (M.C.A. No.149 of 2021) arising out of Simdega P.S. Case No.89 of 2020 registered under Sections 341, 323, 354(B), 452, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(iii), 3(1)(x) and 3(1)(xi) of the S.C./S.T. (Prevention of Atrocities) Act, by which prayer for bail of the appellant has been rejected.

It has been further submitted that earlier the prayer for bail of the appellant has been rejected by this Court vide order dated 03.03.2021 passed in Cr. Appeal (S.J.) No.685 of 2020 with an observation that it can be renewed after three months. Accordingly, prayer for bail has been renewed.

It has been submitted that the appellant is in custody since 02.10.2020. The investigation is complete and the appellant is ready to co-operate with the trial and further undertakes not to disturb the witnesses in any manner. It has been further submitted that similarly situated co-convict has already been enlarged on bail by this Court vide order dated 04.08.2021 passed in Cr. Appeal (S.J.) No.250 of 2021.

On the other hand, counsel for the victim has opposed the prayer for bail relying upon the judgment reported in (2021) 4 SCC 781 (***Sudha Singh vs. State of Uttar Pradesh and Anr.***) and has submitted that the witness may be influenced.

Having heard learned counsel for the parties and on perusal of the record, it appears that other similarly situated co-convict has already been granted bail by this Court. The investigation is complete. Further, the complaint has been made to the trial court under the provision of S.C. & S.T. (Prevention of Atrocities) Act and the actions are being taken.

In the facts and circumstances of the case and considering the fact that co-convict has already been enlarged on bail, the appellant above named, is directed to be released on bail, on furnishing bail bond of Rs.10,000/-(ten thousand), with two sureties of the like amount each, to the satisfaction of learned Addl. Sessions Judge-cum- Special Judge, Simdega in Special (S.C./S.T.) Case No.4 of 2020 (M.C.A. No.149 of 2021) arising out of Simdega P.S. Case No.89 of 2020, subject to condition that the appellant will submit self-attested photocopy of his Aadhaar Card and also submit his mobile number before the learned court below, which he will always keep active and will not change it during pendency of this case without prior permission of the court.

However, the trial court is directed to take appropriate steps for protecting the witness and for the victim compensation.

Accordingly, instant criminal appeal is allowed.

(Rajesh Kumar, J.)

Ravi/-