

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 262 of 2021

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Kailash Karmali Appellant

Versus

1. The State of Jharkhand
2. Riban Devi Respondents

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Pratik Sen, Adv.
For the State : Mr. Shekhar Sinha, P.P.

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

04/06.09.2021 The present application has been filed under Section 14(A) (2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

Heard learned counsel for the appellant and learned counsel for the State.

This criminal appeal has been filed against the order dated 06.03.2021 passed by the court of learned Additional Sessions Judge-I, Ramgarh in M.C.A. No.87 of 2021 in connection with Gola P.S. Case No. 179 of 2014, registered for the offence under Sections 341/ 120B/ 467/ 468/ 471/ 418/ 419/ 420/ 448/ 504/ 354/ 506/34 of the Indian Penal Code and Section 3 (v) (x) (vi) (xv) of the SC/ST (Prevention of Atrocities) Act by which prayer for bail of the appellant has been rejected.

Learned counsel for the appellant has submitted that the appellant is in custody since 28.01.2021. Investigation is complete. The case has been registered under Sections 341/ 120B/ 467/ 468/ 471/ 418/ 419/ 420/ 448/ 504/ 354/ 506/34 of the Indian Penal Code and Section 3(v) (x) (vi) (xv) of the S.C./S.T. (Prevention of Atrocities) Act but after conclusion of the investigation, charge sheet has been submitted under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code only and thereafter, cognizance has been taken against the co-convict, namely, Sanjay Saw who has already been granted bail by this Court vide order dated 05.07.2021 passed in Cr. Appeal (S.J.) No.173 of 2021. On the above ground, prayer for release has been made

On the other hand, learned A.P.P has opposed the prayer for bail.

Perused the record. It appears that earlier allegation has been made under the S.C./S.T. (Prevention of Atrocities) Act but after investigation, cognizance has to been taken under the Indian Penal Code only by the Judicial Magistrate,1st Class. Since, no offence under the S.C./S.T. (Prevention of Atrocities) Act is made out, there is no requirement of issuance of notice to the victim.

Considering the material available on record and the period of custody, the appellant, named above is directed to be enlarged on bail on his furnishing bail

bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate 1st Class, Ramgarh in Gola P.S. Case No. 179 of 2014, subject to condition that the appellant will submit self-attested photocopy of his Aadhar 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.

Accordingly, instant criminal appeal is allowed and the impugned order dated 06.03.2021 passed by the court of learned Additional Sessions Judge-I, Ramgarh in M.C.A. No.87 of 2021 in connection with Gola P.S. Case No. 179 of 2014 is, hereby, set aside.

(Rajesh Kumar, J.)

Shahid/