

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A. No. 4436 of 2020

Ashik Ansari @ Ashique Ansari, Son of Reyaj Ansari
..... Petitioner

Versus

The State of Jharkhand
..... Opp. Party

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

For the Petitioner : Mr. Rakesh Kumar, Advocate.

For the State : Mr. P.K. Appu, A.P.P.

02/Dated: 27/07/2020

Heard, learned counsel for the petitioner, Mr. Rakesh Kumar and learned counsel for the State, Mr. P.K. Appu, Additional Public Prosecutor.

Learned counsel for the petitioner has submitted that though there are some defect(s) in the bail application as pointed out by the Stamp Reporter, but he has filed an undertaking that he shall remove the defects after the lock down period is over and the bail application may be heard as it is a regular bail in which petitioner is in custody since 15.03.2020.

Considering the same, this Court is inclined to hear the bail application on merits, but with condition that petitioner shall remove the defect(s) after the lock down period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lock down period is over 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 Mahuadanr (Mahila) P.S. Case No. 07/2019 for the offence registered under Sections 498A, 494/34, 313, 511 of the I.P.C. and Section 3/ 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner has submitted that petitioner is a BSF Constable and his marriage was solemnized on 01.05.2014 and from the said wedlock, both the couple have been blessed with a girl child as well as a male child and petitioner is ready to reunite with the informant, though during the hearing of the anticipatory bail

application, the reconciliation between the parties have been failed.

Learned counsel for the petitioner has further submitted that there is no such lady Shajiya, with whom the petitioner has any affair, rather petitioner is ready to file an undertaking before the court below that he will not enter into contact with any other lady during pendency of the criminal case.

Learned counsel for the petitioner has submitted that petitioner is a BSF employee and he is in custody since 15.03.2020 and if informant is not ready to reunite, petitioner is ready to part with half of his gross salary in favour of the informant and two minor children, as petitioner's parents are also alive.

Learned counsel for the State, Mr. P.K. Appu, Additional Public Prosecutor has submitted that as per the memo of evidence submitted by police officer, there is evidence of miscarriage of pregnancy in para-8 of the case diary, as such, petitioner may not be enlarged on bail.

After hearing learned counsel for the parties and on the basis of the materials available on record, since the petitioner is a Government Servant working as a BSF employee and he is in custody since 15.03.2020 and is ready to reunite with the informant and both the minor children, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each in connection with Mahuadanr (Mahila) P.S. Case No. 07/2019 to the satisfaction of learned Judicial Magistrate, 1st Class, Latehar on the following conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Kanchan Kumar, son of Bachan Prasad, resident of Village – Chainpur, P.O. - Chainpur, P.S. - Chainpur, Palamau, Jharkhand, whose UID Number is 8997 7871 7907.

Office is directed to send the photocopy of UID Card bearing no. 8997 7871 7907 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

- (ii) Another bailor shall be close relative of the petitioner.
- (iii) Petitioner shall appear before the learned trial court on each and every date fixed for his appearance, failing which the trial court shall cancel the bail bonds of the petitioner.
- (iv) The BSF employee remit the half of the gross salary in favour of the informant in the account number furnished by the informant to Commandant / Director General of BSF.
- (v) The petitioner shall also file an affidavit before the learned court below that he will not enter into contract of marriage with any other lady including Shajiya during subsistence of marriage with informant.
- (vi) The Jail Authority shall release the petitioner only after his medical check-up.
- (vii) The Civil Surgeon, Latehar is directed to medically examine the petitioner at the time of his release and if require, petitioner shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.
- (viii) The petitioner shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

Accordingly, the instant bail application is allowed.

(Kailash Prasad Deo, J.)

Sunil-Jay/