IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 517 of 2024

Baljeet Yadav, aged about 43 years, son of Bihari Mahto @ Bihari Yadav, resident of village-Gadiya, P.O. and P.S. Rajpur, District-Chatra

..... Appellant

Versus

1.The State of Jharkhand

2. Victim (Details of Victims is given in sealed envelop)

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant(s) :- Mr. Binod Kumar Dubey, Advocate
For the State :- Mrs. Anuradha Sahay, A.P.P.
For the Resp. No. 2 : Mr. Sushant Kumar Sinha, Advocate

04/05.12.2024 Heard learned counsel for the appellant, learned counsel for the State and learned counsel for the respondent no.2.

2. The present appeal is filed against the order dated 19.07.2024, passed by the learned Additional Sessions Judge-I-cum-Special Judge, Chatra in M.C.A. No. 875 of 2024 arising out of Sadar Mahila P.S. Case No. 09 of 2024 registered under sections 452, 323, 376, 506 of the I.P.C. and under section 3 (1) (r) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby the regular bail filed by the appellant has been rejected, pending in the Court of learned Additional Sessions Judge-I, Chatra.

3. Learned counsel for the appellant submits that due to village politics the appellant has been falsely implicated in this case. He submits that there is money transaction and the appellant has demanded the said money in view of that false case has been registered. He submits that the alleged date of occurrence is 18.05.2024 however the F.I.R. has been registered on 14.06.2024 and there is delay of 26 days in lodging the F.I.R. He then submits that the appellant is in custody since 16.06.2024. He further submits that in the case diary particularly para 61 it has been recorded that in the medical report no sign of rape was found upon the victim.

4. Learned counsel for the State opposes the prayer on the ground that allegations are there.

5. Learned counsel for the respondent no.2 opposes the prayer for bail and submits that witnesses have supported the case and in view of that case is made out.

6. Looking into contents of F.I.R., it appears that for the alleged date of occurrence dated 18.05.2024 F.I.R. has been registered on 14.06.2024 and there is delay of 26 days in lodging the F.I.R. In the medical report it has come that there is no sign of rape and what has been used to make out case under the SC/ST Act is not disclosed. The appellant is in custody since 16.06.2024

7. In view of above facts, I am inclined to grant regular bail to the appellant. Accordingly, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-I-cum- Special Judge, Chatra in connection with Sadar Mahila P.S. Case No. 09 of 2024, subject to conditions that the appellant shall not, directly or indirectly, make any inducement, threat undue influence to the prosecution witnesses and the appellant shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

8. This appeal is allowed and disposed of and the impugned order dated 19.07.2024, passed by the learned Additional Sessions Judge-I-cum- Special Judge, Chatra in M.C.A. No. 875 of 2024 arising out of Sadar Mahila P.S. Case No. 09 of 2024, is hereby set aside.

(Sanjay Kumar Dwivedi, J)

Satyarthi