

(2001) 07 JH CK 0011
Jharkhand High Court
Case No: ABA No. 4705 of 2001

Ishwari Gope

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: July 23, 2001

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438, 439

Hon'ble Judges: Vinod Kumar Gupta, C.J

Bench: Single Bench

Advocate: V.P. Singh, A.K. Sinha, Sat Prakash and Shalini Jha, for the Appellant; APP, for the Respondent

Judgement

V.K. Gupta, C.J.

When Mr. V.P. Singh, learned counsel appearing for the petitioner was told that this Court's judgment, dated 11.7.2001 in ABA No. 4654/2001. Birendra Jha @ Virendra Jha v. The State of Jharkhand, [reported in 2001 (3) JCR 1 (Jhr)], has dealt with the entire gamut of all the issues relating to grant or refusal of bail with respect to such offences which are not very serious in nature, he pointed out and submitted that the aforesaid judgment mainly dealt with the question of grant of bail in such non-serious offences only in private complaints and not in cases arising out of police reports.

2. I have gone through the aforesaid judgment dated 11.7.2001 and find that even though specifically the aforesaid case dealt with a private complaint and observations made therein did point out to private complaint cases, the ratio in that judgment would apply to cases arising out of police reports also, depending upon the facts and circumstances of the case. I have no hesitation in observing and directing that the ratio in the case of Birendra Jha (supra) with regard to the principles governing grant of bail in offences. which are not very serious in nature, shall apply to such cases also which are instituted on police reports, of course, the trial Court would always keep in mind the well-established norms and parameters

governing, the grant or refusal of bail to an accused, depending upon the nature and gravity of the offences for which he is charged.

3. Based on the aforesaid observations, the application for anticipatory bail is disposed of. The petitioner is at liberty to approach the trial Court (Chief Judicial Magistrate. Hazari-bagh, in Barhi PS case No. 80/2001-GR No. 944/2001) for grant of regular bail.

4. Registrar General of this Court is directed to circulate copies of this judgment to all subordinate Courts in the State of Jharkhand for their information, compliance and necessary action.

5. Application disposed of.