

Mir Salif Vs. the State of Jharkhand

Mir Salif Vs. the State of Jharkhand

SooperKanoon Citation : sooperkanoon.com/1024685

Court : Jharkhand

Decided On : Aug-20-2013

Appellant : Mir Salif

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI B. A. No. 4552 of 2013 Mir Salif ... Petitioner Versus The State of Jharkhand ... Opposite Party ----- CORAM : HONBLE MR. JUSTICE H. C. MISHRA ----- For the Petitioner : Mr.A.K.Chaturvedy, Advocate. For the State : A.P.P. ----- 5/ 20.08.2013 Heard learned counsel for the petitioner and learned A.P.P. for the Prosecution. The petitioner has been made accused in connection with Sisai (Bharno) P.S. Case No. 107 of 2012 corresponding to G.R. No. 670 of 2012, S.T No.46 of 2013 for the offence under Sections 302, 201 and 120-B/ 34 of the Indian Penal Code. The deceased, whose dead body was recovered from a well with a piece of stone tied to it, was living with the petitioner as his wife. It is alleged in the FIR that some days prior to the occurrence, the deceased was taken away by this petitioner, for which, a separate case was instituted, in which, the petitioner was also in jail. Thereafter, there was compromise between the parties and on the basis of compromise, the petitioner was released from jail and the deceased was living with him as his wife. Subsequently, the dead body of the deceased was recovered from a well. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case and has accordingly, prayed for bail.

Learned counsel for the State has opposed the prayer for bail, submitting that it has come in the case diary that after the release of the petitioner from jail, there was strained relationship between the deceased and the petitioner and some days prior to the occurrence, the witnesses had seen the petitioner and his family members assaulting the deceased. It has also come in the case diary that after the alleged occurrence, the petitioner and his family members were seen peeping in the well. Learned counsel for the State has accordingly, opposed the prayer for bail. In the facts of this case, particularly taking into consideration the proximity between the alleged abduction of the deceased by the petitioner, his release on the basis of compromise and the recovery of the dead body of the deceased, I am not inclined to enlarge the petitioner, Mir Salif on bail. Accordingly, the prayer for bail of the petitioner is hereby rejected. (H. C. Mishra, J.) BS/

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com