



2025:JHHC:8966-DB

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (D.B.) No.855 of 2024

Arun Kumar @ Arun Turi (44 years), S/o late Runu Turi, R/o-C 66 A
DDA Flats Shivaji Enclave, Raja Garden, PO & PS-Rajathalli Garden,
Delhi at permanent Village-Awaga, PO & PS-Bolba, District-Simdega
..... ... **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : Mr. Vishal Srivastava, Advocate
For the Respondent : Mrs. Kumari Rashmi, APP

Order No.10/Dated: 20th March, 2025

1. The instant appeal under section 21(4) of the National Investigation Agency Act, 2008 has been directed against the order dated 15.04.2024 passed by the learned Additional Sessions Judge-I, Simdega in Misc. Cri. Application No.157 of 2024 whereby and whereunder the prayer for regular bail of the appellant in connection with S.T. Case No. 66 of 2019 (A) arising out of Simdega A.H.T.U P.S. Case No.18 of 2015 registered for the offence under Sections 363, 370(4) of the Indian Penal Code and Section 23/26 of J.J. Act has been rejected.

2. It has been contended on behalf of the appellant that the implication of the appellant is based upon falsity, since, no overt act has been said to be there if the entire case diary and the counter affidavit is to be taken into consideration.

3. It has been contended in course of the argument that only allegation against the present appellant is that at the inception he has only carried the victim for the purpose of providing her job at Delhi thereafter his work has finished and since then the appellant is not



knowing whereabouts of the victim. But this aspect of the matter has not been taken into consideration by the learned trial Court while considering the prayer for regular bail.

4. Based on the aforesaid ground, learned counsel for the appellant has submitted that the impugned order may be interfered with.

5. While on the other hand, learned Additional Public Prosecutor has vehemently opposed the prayer to interfere with the impugned order.

6. It has been contended that the allegation against the present appellant is serious in nature, since, he is the person who at the initial stage has carried the victim for the purpose of providing her job at Delhi and as has been said by the appellant that the job was provided to her in a house, but subsequent thereto, whereabouts of the victim has not been traced out and she is still traceless.

7. Therefore, it is a clear-cut case attracting ingredient under section 370(4) of the Indian Penal Code and in the circumstances where the victim has not been recovered, hence, it cannot be said that the whatever decision has been taken by the learned trial Court suffers from error while considering the prayer of regular bail of the appellant.

8. We have heard the learned counsel for the parties and gone across the finding/reasoning recorded by the learned trial Court in the impugned order as also the First Information Report, case diary and affidavit in objection. We have also considered the status report of the status of the trial of the present case.

9. It is evident from the First Information Report and it has surfaced during investigation as recorded in different paragraphs of the



case diary that the involvement of the present appellant is there in the alleged crime, since, he is the person who initially carried the victim to provide her job at Delhi. Thereafter, the whereabouts of the victim has not been traced out and the victim is still traceless. The appellant is having two criminal antecedents of like nature.

10. It is evident from the status report of the trial that the case is at the stage of evidence and only six witnesses are to be examined.

11. This Court considering the nature of allegation against the present appellant and the victim since has not been traced out as yet, is of the view that it is not a fit case to interfere with the impugned order

12. Accordingly, the instant appeal is dismissed.

13. It is made clear that any observation made hereinabove will not prejudice the case on merit, since, the trial is pending.

14. I.A., if any, stands disposed of.

15. However, with respect to the steps which is being taken by the Special Investigation Team (SIT) to trace out the victim the efforts are directed to be taken by the Superintendent of Police, Simdega so that the victim be traced out.

16. Let this order be communicated to the Director General of Police, Jharkhand as also the Superintendent of Police, Simdega.

(Sujit Narayan Prasad, J.)

(Gautam Kumar Choudhary, J.)

Sudhir