

Raju Gope vs State Of Jharkhand on 20 February, 2025

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S)..... OF 2025
(@SPECIAL LEAVE PETITION (CrI.) No(s).14309/2024)

RAJU GOPE

VERSUS

STATE OF JHARKHAND & ANR.

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Being aggrieved by the order dated 29.07.2024 passed in B.A.No.2299 OF 2024 by the High Court of Jharkhand at Ranchi, the appellant, who is the father of the deceased child, is before this Court.

3. Briefly stated, the facts of the case concern the death of the child of the appellant herein. On 03.03.2023, the appellant reported the missing of his eight-year-old son who had left home around 07.49 PM to buy biscuits. The CCTV footage revealed that at 07.54 PM, an unknown individual lured the child in a white Swift Dzire and drove away. Suspecting that his son was kidnapped for ransom, the Reason: appellant filed FIR No.61/2023 at PS Bariatu, Ranchi. During investigation, the second respondent was arrested, and he appears to have confessed to the crime and that he strangled and disposed of the child by throwing him in a sack at Saparam Pond after failing to secure a ransom.

4. Thereafter, cognizance was taken of offences under Sections 364A, 302, 201 and 420 of the Indian Penal Code, 1860 against the second respondent by the Court of JMFC-XXI, Ranchi. The second respondent filed a bail application before the Judicial Commissioner, Ranchi in BP No.838/2023, which was rejected by order dated 15.06.2023. Aggrieved, the second respondent filed Misc. Criminal Application No.3380/2023 seeking bail in ST Case No.445/2023 before the Court of AJC VIII, Ranchi and vide order dated 30.01.2024, the said application was also rejected. Aggrieved, the second respondent filed B.A. No.2299 of 2024 before the High Court of Jharkhand at Ranchi. By the impugned order dated 29.07.2024, the High Court granted bail to the second respondent. Aggrieved by the order of the High Court granting bail, the appellant herein has filed this appeal.

5. Learned counsel for the appellant submitted that the very approach of the High Court in granting the relief of bail to the second respondent herein is improper. In this regard, he drew our attention to paragraph 8 of the impugned order to contend that even at the stage of granting bail to the second respondent herein, the High Court has arrived at categorical conclusions. He contended that the approach of the High Court is not in accordance with the stipulations under Section 439 of Code of Criminal Procedure, 1973 and the judgments of this Court. Hence the impugned order may be set aside by cancellation of the bail granted to him and the second respondent may be directed to surrender.

6. Per contra, learned senior counsel for the second respondent supported the impugned order and contended that the said order was passed in July, 2024; that the second respondent has been cooperating with the trial; that this Court may issue directions to the Sessions Court to conclude the trial expeditiously and that there is no merit in this appeal.

7. Learned counsel for the first respondent-State with reference to the counter affidavit submitted that appropriate orders may be made in this case.

8. Having regard to the facts and circumstances of the present case and particularly noting the approach of the High Court, we find that the High Court was not right in observing in paragraph 8 of its order as under:

“8. In the chain of circumstantial evidence, neither there is evidence in regard to demand of ransom nor there is evidence of motive in regard to committing murder of the son of informant. As such, the chain of circumstantial evidence is not complete.”

9. In the circumstances, we set aside the impugned order and we remand the matter to the High Court by restoring B.A.No.2299 of 2024 on the file of the High Court of Jharkhand at Ranchi.

10. The High Court shall consider the said bail application afresh and in accordance with law and bearing in mind the facts of the present case. Said exercise shall be completed within a period of one month from the date the matter is taken up for consideration by the High Court.

11. Since the parties are represented by their respective counsel, they shall appear before the High Court either in person or through their counsel on 17.03.2025 without expecting any separate notice from the High Court.

12. The appeal is disposed of in the aforesaid terms.

.....J. (B. V. NAGARATHNA)J.
(SATISH CHANDRA SHARMA) NEW DELHI FEBRUARY 20, 2025 ITEM NO.10 COURT NO.7
SECTION II-A S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS PETITION
FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).14309/2024 RAJU GOPE APPELLANT(S)
VERSUS STATE OF JHARKHAND & ANR. RESPONDENT(S) Date : 20-02-2025 This appeal was
called on for hearing today. CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA HON'BLE

MR. JUSTICE SATISH CHANDRA SHARMA For Appellant(s): Mr. Ronak Karanpuria, AOR Mr. Rohit Gautam, Adv.

Mr. R C Goutam, Adv.

Mr. Parteek Kumar, Adv.

For Respondent(s): Mr. S.j. Aristotle, Sr. Adv.

Mr. Ashok Anand, AOR Mr. Somanath Padhan, Adv.

Mr. Rakesh Kumar Singh, Adv.

Mr. Ajay Gupta, Adv.

Mr. Kumar Anurag Singh, Adv.

Ms. Madhusmita Bora, AOR Mr. Riju Raj Singh Jamwal, Adv.

Mr. Pawan Kishore Singh, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI) (DIVYA BABBAR) COURT MASTER (SH) COURT MASTER (NSH)