

(2024) 05 JH CK 0028
In the Jharkhand High Court
Case No : A.B.A. No. 10599 Of 2023

Akalim Ansari @ Aklim Ansari

APPELLANT

Vs

State Of Jharkhand And Another

RESPONDENT

Date of Decision : 14-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 376, 376(3), 506
Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2024) 05 JH CK 0028

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sajit Yunus, Vijoy Kumar Sinha, Sanket Kumar

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel for the petitioner as well as the learned counsel for the State and the learned counsel for the O.P.No.2.
2. The petitioner is apprehending his arrest in connection with Garhwa Manila P.S. Case No.24 of 2023, for the offence registered under sections 376 (3), 506 of the IPC and section 6 of POCSO Act, pending in the court of learned Special Judge, POCSO Act, Garhwa.
3. Learned counsel for petitioner submits that petitioner is innocent and alleged date of occurrence is 03.09.2023 and FIR was registered on 18.09.2023. He submits that age of the girl was about more than 18 years on the date of complaint. He further submits that compromise is also there and compromise petition has been filed before learned Sessions Judge wherein it is stated that such occurrence has not taken place.
4. Learned counsel for the O.P.No.2 after notice has appeared and he submits that counter affidavit has been filed and it is stated that the said compromise was signed on force by the O.P.No.2.

5. Learned State counsel opposed the prayer on the ground that there is serious allegations against the petitioner.

6. Looking to the contents of the FIR, it appears that there is direct allegations against the petitioner of outraging the modesty of the O.P.No.2 and counter affidavit has been filed by the O.P.No.2 stating that forcefully the O.P.No.2 was asked to sign the document of compromise. It was pointed out that even in the compromise agreement all the relatives of the petitioner's side have only signed the said compromise and in view of above and considering the conduct of the petitioner that he has forced the O.P.No.2 to file compromise petition and further the section 376 of the IPC and POCSO Act which are not compoundable sections and these are the sections that is with regard to crime against the society, I am not inclined to provide privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected, and this petition is dismissed.