
(2020) 09 JH CK 0031

In the Jharkhand High Court

Case No : Bail Application No. 5481 Of 2020

Arbind Kumar Mandal @ Suryadeo Kumar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 366A, 376
Protection Of Children from Sexual Offences Act, 2012 — Section 4, 8

Citation : (2020) 09 JH CK 0031

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Anuj Kr. Trivedi, V.N. Jha

Final Decision : Dismissed

Judgement

The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 11.00 A.M. They have no complaint in respect to the audio and video clarity and quality.

Defects stand ignored for the present.

Heard learned counsel appearing for the petitioner and the learned counsel for the State, who opposes the prayer for bail of the petitioner.

The petitioner is an accused for allegedly committing offence punishable under Sections 366A, 376/34 of the Indian Penal Code and Sections 4 & 8 of POCSO Act, in connection with Special POCSO Case No. 38 of 2020, arising out of Dumri P.S. Case No. 14 of 2020, pending in the court of Special Judge (POCSO) Act, Giridih.

Learned counsel for the petitioner submits that there is delay of six days in lodging the FIR. He further submits that the parties have resolved their dispute and a petition has been filed by the victim, which suggests that she has requested not to proceed in this case any further. He further submits that no

offence, at all, is made out.

I have gone through the FIR. In the FIR, victim has categorically stated that she has been ravished by the petitioner. The victim is minor. So far as the petition filed by the victim on the point of compromise and requesting not to proceed any further is concerned, the same prima facie amounts to tampering with the evidence.

Taking into consideration the aforesaid fact, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is hereby rejected.