

(2020) 12 JH CK 0167

In the Jharkhand High Court

Case No : Bail Application No. 10098 Of 2020

Ashish Tirki @ Ashish Tirkey

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 366, 376(1)
Protection Of Children from Sexual Offences Act, 2012 — Section 4(1), 12
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 12 JH CK 0167

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Manish Kumar, Tarun Kumar

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the

stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with Special POSCO Case No.70 of 2020 arising out of B.S. City (Mahila) P.S.

Case No.20 of 2020 registered under sections 366/376(1) of the Indian Penal Code and under Section 4 (1)/12 of POCSO Act.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has enticed away the victim minor girl. It is

further submitted that the allegations against the petitioner are all false and drawing attention of this Court to the statement recorded under Section 164

Cr.P.C. of the victim, it is submitted that the victim has categorically stated the she has married the petitioner and the learned Magistrate who

recorded the statement of the victim has assessed her age to be 18 years. It is next submitted that the date of birth of the victim is 07.07.2002 which is

evident from Annexure-2 at page no.15 which is the copy of the Central Board of Secondary Education, Delhi. It is next submitted that the petitioner

has been in custody since 19.07.2020 as has been mentioned in paragraph no. 12 of the bail application. It is lastly submitted that the petitioner

undertakes to cooperate with the trial of the case. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. opposes the prayer for bail. Considering the submissions of the counsels and the fact as discussed above, I am inclined to

enlarge the above named petitioner on bail. Accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees

Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.S.J. 1st-cum-Special Judge, Bokaro, in connection

with Special POSCO Case No.70 of 2020 arising out of B.S. City (Mahila) P.S. Case No.20 of 2020 with the condition that the petitioner will

cooperate with the trial of the case.