
(2020) 08 JH CK 0046
In the Jharkhand High Court
Case No : Bail Application No. 4836 of 2020

Deepak Jha

APPELLANT

Vs

State of Jharkhand & Anr

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 354, 354(A), 354(B), 448
Protection of Children from Sexual Offences Act, 2012 — Section 8, 12

Citation : (2020) 08 JH CK 0046

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : J. N. Upadhyay, Suraj Verma

Judgement

Learned counsel for the petitioner has submitted that there are defect(s) being defect No. 5(e) and 9(i) to 9(ii) in the instant bail application, as pointed

out by the Stamp reporting dated 07.07.2020, but he has given an undertaking that he shall remove the defect(s) after the lockdown period is over and

the bail application may be heard as it is a regular bail and the petitioner is in custody since 21.03.2020.

Considering the same, this Court is inclined to hear the bail application on its merits, but with condition that petitioner shall remove the defect(s) within

30 days after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order within 30 days after the lockdown period is over so as to remove the

defect(s).

Heard, learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner, who is accused for the offence under Sections

354/354(A)/354(B)/448 of the Indian Penal Code and under Sections 8/12 of the POCSO Act, prays for regular bail in connection with R.I.T. P.S. Case No.49 of 2020.

Learned counsel for the petitioner has submitted that on the basis of false allegation, the instant FIR has been instituted by the informant showing the petitioner to be a tenant of the informant, who went into the house of the informant to pay rent and alleged to have outraged the modesty of the minor daughter of the informant, aged about 13 years.

Learned counsel for the petitioner has further submitted that the petitioner was never tenant in the house of the informant rather he has his own house adjacent to the house of informant and there was some dispute with regard to land for which a false case alleging molestation of minor daughter of the informant has been instituted against the petitioner.

Learned counsel for the petitioner has further submitted that the petitioner is in custody since 21.03.2020, as such, he may be enlarged on bail.

Learned counsel for the State has opposed the prayer for regular bail.

Considering the rival submissions of the parties, this Court is inclined to have an affidavit of Dy.S.P. regarding the contention of the petitioner as the petitioner claims that he has his own house and he was never tenant in the house of the informant so as to ascertain the veracity of the allegations made by the informant in the FIR.

Put up this case after four weeks.

Superintendent of Police, Seraikella- Kharsawan shall authorize a Police officer not below the rank of Dy.S.P. to ascertain the said fact.

Let a copy of this order be communicated through ""FAX"" to the Superintendent of Police, Seraikella- Kharsawan at once for needful.