
(2020) 12 JH CK 0156
In the Jharkhand High Court
Case No : Bail Application No. 5424 Of 2020

Dilip Kumar Hansda @ Dilip Kr. Hansda	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 17-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 12 JH CK 0156

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Tapas Roy

Final Decision : Dismissed

Judgement

Heard the parties through video conferencing.

The petitioner has been made accused in connection with Masalia P.S. Case No.31 of 2019 corresponding to G.R. No.593 of 2019 (S.T. No.226 of 2019) registered under Sections 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has committed rape upon the victim. It is submitted that the allegation against the petitioner is false. It is further submitted that though in her statement recorded under Section 164 Cr.P.C., the victim has supported the case of the prosecution but in the meanwhile charge-sheet has been submitted in this case. It is next submitted that the petitioner has been in custody since 08.07.2019 as is evident from para-1 of the instant bail application. Hence it is submitted that the petitioner be released on bail.

Learned Addl. P.P. appearing for the State vehemently opposes the prayer for bail and submitted that in view of serious allegation of commission of rape upon the victim, there is every chance of the petitioner absconding if released on bail. Hence, it is submitted that the petitioner ought not be released on bail.

Considering the serious nature of allegation against the petitioner of committing rape upon the victim, this Court is of the considered view that this is not a fit case where the above named petitioner be released on bail. Accordingly, the prayer for bail of the above named petitioner is rejected.

Keeping in view the period of custody undergone by the petitioner and the serious nature of offences involved in this case, notwithstanding any order

in administrative side of this Court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months

from the date of receipt of this order by the trial Court. It is made clear that the trial be conducted and witnesses be examined by observing the

precautions relating to COVID-19 pandemic.