
(2020) 12 JH CK 0082
In the Jharkhand High Court
Case No : Bail Application No. 9316 of 2020

Gautam Das @ Goutam Das	Vs	APPELLANT
State of Jharkhand		RESPONDENT

Date of Decision : 07-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 76(D), 498A
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 12 JH CK 0082

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Ashwini Bhushan, Shekhar Sinha

Final Decision : Dismissed

Judgement

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

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

The petitioner has been made accused in connection with Pathrol Case No. 36 of 2020 registered under section 376(D), 498-A, 323/34 of the Indian Penal.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner being the husband of the victim committed gang rape upon the victim along with the co-accused persons namely Murari Das and Sachin Das, Sanajya Das, Sintu Das and Arun Das. It is submitted

that the allegation against the petitioner is false. It is next submitted that the petitioner had developed a bad habit and intimacy with some other person

as she is attached with the N.G.O. hence, to put pressure on the petitioner, she has filed this false case against the petitioner. It is next submitted by

learned counsel for the petitioner that the informant wants to get separated from her husband and there is inordinate delay in lodging the case of about

two months. Hence it is submitted that the petitioner be released on bail.

Learned Spl. P.P. on the other hand vehemently opposes the prayer for bail and submitted that in her statement recorded under Section 164 Cr.P.C.,

the victim has categorically stated that the petitioner sat on her chest and assaulted her with sleepers upon her refusal for allowing the co-accused

having sexual relationship with her and forcibly subjected to her of gang rape by the four co-accused persons. Hence, it is submitted that the petitioner

ought not to be given bail to the petitioner.

Considering the serious nature of the allegation against the petitioner of committing gang rape upon his own wife along with other co-accused persons,

this Court is of the considered view that this is not a fit case where the petitioner be admitted to 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 the witnesses be examined by observing the

prosecutions relating to COVID-19 pandemic.