

**(2020) 09 JH CK 0212**

**In the Jharkhand High Court**

**Case No : Bail Application No. 7147 Of 2020**

Ghanshyam Kunkal @ Akash Kunkal

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

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**Date of Decision : 28-09-2020**

**Acts Referred:**

Indian Penal Code, 1860 — Section 376(3)  
Protection Of Children from Sexual Offences Act, 2012 — Section 4, 6  
Code Of Criminal Procedure, 1973 — Section 164

**Citation : (2020) 09 JH CK 0212**

**Hon'ble Judges :** Kailash Prasad Deo, J

**Bench :** Single Bench

**Advocate :** Anjani Kumar, Praveen Kr. Appu

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## **Judgement**

Heard, learned counsel for the petitioner, Mr. Anjani Kumar. Learned counsel for the petitioner has submitted that defect nos. 9 (i) to (iv), as per Stamp Reporting dated 15.09.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and has prayed that the bail application may be heard, as it is a regular bail application of the petitioner, who is in custody since 05.05.2020.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Tonto P.S. Case No. 10/2020, for the offence registered under Section 376 (3) I.P.C. and Section 4/6 of POCSO Act.

Learned counsel for the petitioner has submitted that F.I.R. has been lodged by the informant against the petitioner with regard to sexual offence claiming

herself to be aged about 17 years and as per the informant at 16 hours on 02.05.2020, this petitioner forcibly committed rape upon her and F.I.R. has been lodged on 04.05.2020 after two days and statement of the victim as made out in the F.I.R. and as made out in the statement under Section 164 Cr.P.C. brought on record as Annexure-2 differs, as such, this Court may consider the veracity in the statement of victim / informant, may enlarge the petitioner on bail, as he is in custody since 05.05.2020.

Learned counsel for the State, Mr. Praveen Kr. Appu, Additional Public Prosecutor has opposed the prayer for bail and has submitted that case diary may be called for so as to examine injury report, but considering the direct allegation, petitioner may not be enlarged on bail.

Considering the rival submissions of the parties, State counsel is granted four weeks' time to file detail counter affidavit with regard to the materials collected during investigation, medical report of the victim including assessment of her age.

Put up this case after four weeks.