

(2020) 12 JH CK 0045
In the Jharkhand High Court
Case No : Bail Application No. 9419 Of 2020

Isar Ahmad @ Tushar Ahmad @ Mithu	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 10-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376, 376(2)(n)

Citation : (2020) 12 JH CK 0045

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Arun Kumar, S.K. Sinha

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 (POCSO) Case No.36 of 2020 arising out of Majhgaon P.S. Case

No.17 of 2020 registered under sections 376/376 (2) (n) of the Indian Penal Code.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has established consensual sexual

relationship with the victim minor girl on the promise of marriage. It is then submitted that the victim girl is of more than 19 years of age and in this

respect, learned counsel for the petitioner draws the attention of this Court to Annexure-3 which is the application submitted by the father of the victim

to the Anjuman committee wherein her father has stated that the victim is aged 19 years. It is further submitted that the allegations against the

petitioner are all false and at best the allegation reveals consensual sexual relationship between two adults and the petitioner is ready and willing to

keep and maintain the victim as his lawful wife with full dignity and honour. It is next submitted that the petitioner has been in custody since

19.07.2020 as has been mentioned in paragraph no. 14 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.-I, Chaibasa, in connection with Special

(POCSO) Case No.36 of 2020 arising out of Majhgaon P.S. Case No.17 of 2020 with the condition that the petitioner will cooperate with the trial of

the case.