
(2020) 12 JH CK 0094

In the Jharkhand High Court

Case No : Bail Application No. 9635 Of 2020

Mahesh Pradhan @ Maheshwar Kumbhakar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376(1)
Protection Of Children from Sexual Offences Act, 2012 — Section 4, 6
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 12 JH CK 0094

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : R.C.P.Sah, Anuradha Sahay

Final Decision : Allowed

Judgement

Heard the parties through Video Conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the

lockdown is over.

In view of the personal undertaking given by 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 Rajnagar P.s. case no. 45 of 2020(POCSO Case no. 38 of 2020) instituted under sections

376 (1) of the Indian Penal Code and section 4 and 6 of the POCSO Act. .

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner committed rape upon the minor girl.

It is then submitted by learned counsel for the petitioner that the allegation

against the petitioner is false. It is further submitted by learned counsel for the petitioner drawing attention of the court to the statement of the victim recorded under section 164 CrPC that the victim has stated that she and the petitioner established sexual relationship voluntarily. It is further submitted by learned counsel for the petitioner that the petitioner has been in jail custody since 02.08.2020 as mentioned in paragraph 1 of the bail application and the petitioner is ready and willing to co-operate with the trial of the case hence, the petitioner may be released on regular bail.

Learned Addl. P.P. opposes the prayer for regular bail of the petitioner.

Considering the facts of the case, 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 Additional Sessions Judge - 1, cum Special Judge, POCSO Act, Seraikella in connection with Rajnagar P.s. case no. 45 of 2020(POCSO Case no. 38 of 2020) subject to the condition that the petitioner will co-operate with the trial of the case.