
(2021) 01 JH CK 0032

In the Jharkhand High Court

Case No : Bail Application No. 10271 Of 2020

Nabi @ Mumtaj Ansari @ Nabiya

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 366A

Protection Of Children from Sexual Offences Act, 2012 — Section 4, 8

Citation : (2021) 01 JH CK 0032

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Sheo Kr. Singh, Sardhu Mahto

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 Chainpur P.S. case no. 269 of 2020 (Special POCSO Case no. 56 of 2020) instituted under

sections 366A/34 of the Indian Penal Code, section 4/8 POCSO Act.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner enticed away the minor victim girl-

Soni Kumari for marrying her and also enticed away Choti Kumari for her

marriage with Santosh. 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 that in the statement recorded before police, the victim girls have not stated anything to suggest that enticement was made on the part of the petitioner. It is further submitted by learned counsel for the petitioner that the petitioner has been in jail custody since 19.07.2020 as mentioned in paragraph 11 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 bail.

Learned Addl. P.P. opposes the prayer for 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 Exclusive

Special Judge, POCSO Act, Palamau in connection with Chainpur P.S. case no. 269 of 2020 (Special POCSO Case no. 56 of 2020) subject to the

condition that the petitioner will co-operate with the trial of the case.