

(2017) 09 JH CK 0003
In the Jharkhand High Court
Case No : 5793 of 2017

Navin Kumar Singh son of Baneshwar Singh, & Ors.,	APPELLANT
Vs	
State of Jharkhand, & Ors.,	RESPONDENT

Date of Decision : 01-09-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 34](#), [Section 366\(a\)](#), [Section 376\(b\)](#) - Acts done by several persons in furtherance of common intention - Kidnapping, abducting or inducing wo

Citation : (2017) 09 JH CK 0003

Hon'ble Judges : Shree Chandrashekhar

Bench : SINGLE BENCH

Advocate : Jintendra Nath Upadhyay, ?Shiv Kumar Sharma, ?Suraj Singh

Final Decision : Allowed

Judgement

1. Mr. Suraj Singh, learned counsel appears on behalf of the informant.
2. Let the informant-Nashir Ansari be added as O.P. No. 2. Necessary correction be done during course of the day.
3. Heard the learned counsels appearing for the parties and perused the documents on record.
4. Petitioner has been made an accused in connection with POCSO Case No. 12 of 2017, G.R. No. 485 of 2017, corresponding to Chandil (Kapali) P.S. Case No. 78 of 2017 registered under sections 366(A), 376(B)/34 I.P.C and under section 6 of the Protection of Children from Sexual Offences Act, 2012.
5. Contending that there is no eye-witness to the occurrence and no one has even seen the petitioner in the company of the victim, learned counsel for the petitioner submits that only on suspicion the petitioner has been implicated in this case. The medical examination of the victim has not disclosed any sign of recent sexual assault on her. The petitioner is in judicial custody since

10.05.2017.

6. Learned counsel for the O.P. No. 2 not opposes the prayer for grant of bail, however, learned A.P.P opposes the prayer for grant of bail.

7. Having regard to the facts and circumstances of the case, the petitioner namely, Md. Shamim @ Raju is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned I/C Addl. Sessions Judge-I at Seraikella in connection with POCSO Case No. 12 of 2017, G.R. No. 485 of 2017, corresponding to Chandil (Kapali) P.S. Case No. 78 of 2017, on the following conditions:

(i) he shall appear during the trial on each and every date of hearing, but for exceptional circumstances for which he shall move appropriate application before the trial Court, and

(ii) he shall not change his residence without prior permission of the Court.

8. The instant application is allowed. Let a copy of this order be transmitted to the trial Court through FAX.