

(2020) 11 JH CK 0081

In the Jharkhand High Court

Case No : Bail Application No.8495 Of 2020

Niwas Saw @ Vikash Kumar @ Niwash Kumar Saw @ Bikash Kumar

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 25-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 354, 345B
Protection of Children from Sexual Offences Act, 2012 — Section 8, 12
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(r)

Citation : (2020) 11 JH CK 0081

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Arwind Kumar, Anuradha Sahay

Judgement

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the 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 Deori P.S. Case No. 194 of 2018, corresponding to POCSO Case No.64 of 2020, Giridih

registered under sections 354/34 of the Indian Penal Code and Section 8 of POCSO Act and Section 3(r) of SC/ST (POA) Act but charge sheet has

been submitted only for the offences punishable under Section 354-B of the Indian Penal Code and Section 12 of POCSO Act.

Learned counsel for the petitioner submits that the allegation against the

petitioner is that the petitioner called the minor girl and took her to his house and put vermilion on her forehead and tried to abduct her. It is submitted that the allegation against the petitioner is false. It is submitted that after investigation the police have submitted charge sheet only for the offences punishable under Section 354-B of the Indian Penal Code and Section 12 of POCSO Act and found that part of the allegations that is the allegations made against the mother of the petitioner is not true. It is next submitted that the petitioner undertakes to cooperate with the trial of the case. It is further submitted that the petitioner has been in custody since 22.06.2020 as mentioned in paragraph 01 of the bail application. Hence it is submitted that the petitioner be released on bail.

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

Considering the facts of this case, the above named petitioner is directed to be enlarged 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 Special Judge, POCSO Act, Giridih in connection with Deori P.S. Case No. 194 of 2018, corresponding to POCSO Case No.64 of 2020 with the condition that he will cooperate with the trial of the case.