

(2020) 08 JH CK 0048

In the Jharkhand High Court

Case No : Bail Application No. 4828 of 2020

Ranjeet Pramanik @ Rahul

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 366A
Protection of Children from Sexual Offences Act, 2012 — Section 7, 8
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 08 JH CK 0048

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : R.S.P. Sinha, Punit Kumar, Sardhu Mahto

Judgement

Learned counsel for the petitioner has submitted that though there is defect being defect no.5(e) in the bail application as pointed out by the stamp

reporting dated 06.07.2020 but he has filed an undertaking that he shall remove the defect after the lockdown period is over and the bail application

may be heard as it is a regular bail application in which petitioner is in custody since 18.03.2020. Considering the same, this Court is inclined to hear

the bail application on merits but with condition that petitioner shall remove the defect within 30 days after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lockdown period is over so as to remove the defects. Heard,

learned Senior counsel for the petitioner, Mr. R.S.P. Sinha, assisted by learned counsel, Mr. Punit Kumar and learned counsel for the State, Mr.

Sardhu Mahto.

Learned Sr. counsel for the petitioner has submitted that under misconception of

age, the victim and petitioner have entered into love and affair.

Victim herself has stated that petitioner is a member of drama party and subsequently the police after institution of the case i.e. Chandil P.S. Case

No.61 of 2020, corresponding to POCSO Case No.18 of 2020, submitted charge-sheet under Sections 363, 366A IPC and Sections 7/8 of the POCSO

Act vide charge sheet No.96 of 2020. The cognizance has been taken under Sections 363 and 366 IPC and under Section 8 of the POCSO Act.

Learned counsel for the petitioner has further submitted that victim has not alleged anything with regard to sexual assault against the petitioner in her

statement recorded under Section 164 Cr.P.C. and the petitioner is in custody since 18.03.2020, as such, he may be enlarged on bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that daughter of the informant (victim) is aged about 14 years and

petitioner has enticed the minor girl, as such, a detail counter affidavit is required to be filed.

After hearing, learned counsel for the parties and perusing the materials brought on record, the learned State counsel is directed to file a detail counter

affidavit.

Put up this case after four weeks along with counter affidavit.