
(2020) 12 JH CK 0132

In the Jharkhand High Court

Case No : Bail Application No. 9940 Of 2020

Shivam Kumar @ Shivam Kumar Mandal @ Suman Mandal

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376

Protection Of Children from Sexual Offences Act, 2012 — Section 12

Protection Of Children from Sexual Offences Act, 2012 — Section 12

Citation : (2020) 12 JH CK 0132

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Aman Shekhar, Rajesh Kumar

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the

stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with Radhanagar P.S. Case No.164 of 2020 registered under sections 376 of the

Indian Penal Code and under section 12 of the POCSO Act.

The learned counsel for the petitioner submits that the allegation against the petitioner is that he committed rape upon the minor victim girl. It is further

submitted that the allegations against the petitioner are all false and there is an inordinate delay in lodging the F.I.R. as allegedly the petitioner

committed rape upon the victim 7-8 months before lodging of the F.I.R. and even

the informant approached the father of the petitioner for solemnizing marriage of the victim with the petitioner. It is then submitted by the learned counsel for the petitioner, drawing attention of this Court to the copy of the marriage invitation card of the victim, which has been annexed as annexure-2 (page no.17) of the brief, that the alleged victim solemnized marriage with one Pradeep Mandal on 28.07.2019. It is further submitted that the petitioner has been falsely implicated in this case and the doctor did not find any sign of rape upon the victim. It is next submitted that the petitioner has been in custody since 03.07.2020 as has been mentioned in paragraph no. 10 of the bail application. It is lastly submitted that the petitioner undertakes to cooperate with the trial of the case. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. opposes the prayer for bail. Considering the submissions of the counsels and the fact as discussed above, I am inclined to

enlarge the above named petitioner on bail. Accordingly, 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 -1st, Rajmahal in connection with Radhanagar P.S. Case No.164 of 2020 with the condition that he will cooperate with the trial of the case.