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**(2020) 12 JH CK 0147**

**In the Jharkhand High Court**

**Case No : Bail ApplicationNo. 9978 Of 2020**

Tipu Khan @ Tippu Khan And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

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**Date of Decision : 16-12-2020**

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 366A, 376, 511  
Protection Of Children from Sexual Offences Act, 2012 — Section 4  
Code Of Criminal Procedure, 1973 — Section 14

**Citation : (2020) 12 JH CK 0147**

**Hon'ble Judges : Anil Kumar Choudhary, J**

**Bench : Single Bench**

**Advocate : Shailesh, S.P. Jha**

**Final Decision : Allowed**

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## **Judgement**

Heard the parties through video conferencing. Learned counsel for the petitioners 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 petitioners, the defects pointed out by the stamp reporter are ignored for the present.

The petitioners have moved this Court for grant of bail in connection with Jogta P.S. Case No.54 of 2020 (Spl. POCSO Case No.94 of 2020(S))

registered under sections 366A/511/376/34 of the Indian Penal Code and under Section 4 of POCSO Act.

The learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners along with the co-accused persons have enticed away the minor daughter of the informant towards jungle. It is further

submitted that the allegations against the petitioners are all false and drawing attention of this Court to the order dated 05.11.2020, passed by this Court in A.B.A. No. 5624 of 2020 it is submitted that the informant has filed a petition in the court of learned Addl. Sessions Judge -IX, Dhanbad and therein the informant has stated that she is a completely Pardanashin lady and without knowing about the contents of the F.I.R., she put her signature on the blank papers due to some misconception of facts and the informant is an illiterate lady, consequent upon which the co-accused persons have been given the privilege of anticipatory bail by the said order and also drawing attention of this Court to the statement under Section 164 Cr.P.C. of the victim, it is submitted that the victim has not named the petitioners. It is next submitted that the petitioners have been in custody for a considerable period of time. It is lastly submitted that the petitioners undertake 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 petitioners on bail. Accordingly, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 25,000/-

(Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge -IX-cum-Spl.

Judge -POCSO, Dhanbad, in connection with Jogta P.S. Case No.54 of 2020, (Spl. POCSO Case No. 94 of 2020(S)) with the condition that he will cooperate with the trial of the case.