
(2021) 01 JH CK 0066
In the Jharkhand High Court
Case No : Bail Application No. 10373 Of 2020

Tullu Mallik @ Biswanath Mallik

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 366, 376
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2021) 01 JH CK 0066

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Vikash Kumar, Mohua Palit

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 Govindpur P.S. Case No.96 of 2020 registered under sections 376/366 of the Indian Penal Code.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner committed rape upon the victim and abducted her. It is further submitted that the allegations against the petitioner are all false. It is then submitted by the learned counsel for the petitioner, drawing attention of this Court to annexure-2 at page nos. 17-19 of the brief which is the copy of the certified copy of the statement of the victim

recorded under section 164 Cr.P.C., that in her said statement, the victim has categorically stated that the petitioner ravished her on the promise of marriage and the talk of marriage was going on between the family members of the petitioner and the victim and as the marriage could not be solemnized between the petitioner and the victim, hence this false case has been instituted after a long delay. It is further submitted that the victim is a major lady and as per the allegations, it appears that it is a case of consensual sexual relationship between the parties. It is next submitted that the petitioner has been in custody since 28.05.2020 as has been mentioned in paragraph no. 14 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 Judicial Magistrate -1st Class, Dhanbad, in connection

with Govindpur P.S. Case No.96 of 2020 with the condition that he will cooperate with the trial of the case.