
(2023) 11 JH CK 0005
In the Jharkhand High Court
Case No : A.B.A. No. 8407 Of 2023

Vishu Hembram @ Bisu Hembram @ Vishnu Hembram	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 01-11-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 376, 417, 504, 506
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2023) 11 JH CK 0005

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Ram Chandra P. Sah, Manoj Kr. Mishra

Judgement

Anil Kumar Choudhary, J

Heard the parties.

Apprehending his arrest in connection with Adityapur P.S. Case No.219 of 2023 instituted under Sections 376, 417, 323, 504, 506, 34 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner has forcibly established physical relationship with the informant on the false promise of marriage and repeatedly committed rape upon her on the false promise of marriage but ultimately refused to marry her. It is submitted that the allegation against the petitioner is false. It is next submitted that there is inordinate delay of one year and five months in lodging the F.I.R. It is also submitted that there is no allegation against the petitioner of not having any intention to marry the informant at any point of time. It is next submitted that the petitioner undertakes that he will not disturb or annoy the informant in any manner during the pendency of the case. It is lastly submitted that the petitioner undertakes to co-operate with the investigation of the case and to furnish sufficient security including cash security. Hence, it is submitted

that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below within eight weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on depositing Rs.1,00,000/- as cash security and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Seraikella in connection with Adityapur P.S. Case No.219 of 2023 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case and will not disturb or annoy the informant in any manner during the pendency of the case and further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.