

(2021) 01 JH CK 0166

Jharkhand High Court

Case No: Bail Application No. 11026 Of 2020

Vikash Rajak

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: Jan. 14, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 376D
- Code Of Criminal Procedure, 1973 - Section 164

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: S.P. Roy, P.D. Agrawal

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 Basantraï P.S. Case No.27 of 2020 registered under sections 376D of the Indian Penal Code.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner and the co-accused persons committed gang rape upon the mentally retarded wife of the informant. It is further submitted that the allegations against the petitioner are all false and in

paragraph no.39 of the case diary, it has been mentioned that statement of the victim under Section 164 Cr.P.C. could not be recorded as she is not

mentally sound and in paragraph no.23 of the case diary, it is mentioned that the victim was not ready for medical examination hence her medical

examination could not be done. It is then submitted that the brother-in-law of the petitioner is a resident of a village of the informant and because of

inimical relationship of the informant with the brother-in-law of the petitioner, he has falsely been implicated in this case taking advantage of the fact

that his wife is of unsound mind. It is next submitted that the petitioner has been in custody since 17.06.2020 as has been mentioned in paragraph no.

16 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 J.M. 1st Class, Godda, in connection with Basantrao

P.S. Case No.27 of 2020 with the condition that the petitioner will cooperate with the trial of the case.