
Abhishek Kumar Das Vs State Of Jharkhand

A.B.A. No. 7151 Of 2022

Court: Jharkhand High Court

Date of Decision: Sept. 19, 2023

Acts Referred:

Indian Penal Code, 1860 " Section 34, 363, 366A#Protection Of Children From Sexual Offences Act, 2012 " Section 4#Code Of Criminal Procedure, 1973 " Section 161, 438(2)

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: Bibhash Sinha, Bishambhar Shastri

Judgement

Anil Kumar Choudhary, J

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Ichak P.S. Case No.79 of

2023 registered under sections 363/366A/34 of the Indian Penal Code read with section 4 of the POCSO Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner enticed away the minor victim girl and

committed penetrative sexual assault. It is further submitted that the allegations against the petitioner are all false and there is absolutely no allegation

of any penetrative sexual assault nor did the victim in her statement recorded under Section 161 Cr.P.C. recorded by the police stated anything to

indicate that the petitioner has committed any penetrative sexual assault. It is then submitted that the petitioner is under the employment of Indian

Army and the petitioner has no criminal antecedent. It is next submitted that the petitioner undertakes to pay Rs.50,000/- to the victim Sapna Kumari

without prejudice to his defence in this case and also undertakes to cooperate with the investigation of the case and also undertakes that he will not

annoy or disturb Sapan Kumari or her family members in any manner during the pendency of the case. Hence, it is submitted that the petitioner be

given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner

be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of eight weeks from the date of this order, he

shall be released on bail on depositing a demand draft of Rs.50,000/- drawn in favour of Sapna Kumari without prejudice to his defence in this case

and 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

A.D.J. -III, Hazaribagh, in connection with Ichak P.S. Case No.79 of 2023 with the condition that the petitioner will cooperate with the investigation

of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card

in the court below with the undertaking that he will not change his mobile number during the pendency of the case with further condition that he will

not annoy or disturb Sapna Kumari or her family members in any manner during the pendency of the case subject to the conditions laid down under

section 438 (2) Cr. P.C.

In case, the petitioner deposits the aforesaid demand draft, the court below is directed to issue notice to the Sapna Kumari and hand over the said

demand draft to her, after proper identification.