IN THE HIGH COURT OF JHARKHAND AT RANCHI
B. A. No. 9361 of 2020

Babloo Karmakar … Petitioner

Versus

The State of Jharkhand … Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Avishek Chandra , Adv.
For the State : Mr. A.K. Tiwari , Addl. P.P.

02 / 10.12.2020 Heard the parties through Video Conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioner the defects pointed out by the Stamp Reporter are ignored for the present.

The petitioner has been made accused in connection with Telaiya P.S. case no. 21 of 2020 instituted under sections 376 (3) (2) (l) of the Indian Penal Code and section 4 of POCSO Act..

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner committed rape upon a deaf and dumb minor girl. It is then submitted by learned counsel for the petitioner that the allegation against the petitioner is false. It is further submitted by learned counsel for the petitioner that the victim girl appears of unsound mind besides being deaf and dumb and in the report of the medical officer of Sadar hospital, Koderma no internal or external injury on the private part of the victim girl has been found and hymen was found intact and no spermatozoa was found. It is further submitted by learned counsel for the petitioner that the petitioner has been in jail custody since 09.02.2020 as mentioned in paragraph 14 of the bail application and the petitioner is ready and willing to co-operate with the trial of the case and also ready and willing to pay Rs. 1,00,000/- as ad interim victim compensation to the informant without prejudice to his defence subject to final disposal of the case hence, the petitioner may be released on bail.

Learned Addl. P.P. opposes the prayer for bail of the petitioner.

Considering the facts of the case, the petitioner is directed to be released on bail on depositing Rs. 1,00,000/- by way of demand draft drawn in favour of informant as ad interim victim compensation 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 Additional Sessions Judge-1, Koderma in connection with Telaiya P.s. case no. 21 of 2020 subject to the condition that the petitioner will co-operate with the trial of the case.

In case of depositing aforesaid demand draft by the petitioner, learned court below is directed to issue notice to the informant and release the demand draft in her favour on proper identification forthwith and at the conclusion of trial the trial court will pass appropriate orders regarding the money paid by the petitioner to the victim.

(**ANIL KUMAR CHOUDHARY, J.)**

Smita/-