IN THE HIGH COURT OF JHARKHAND AT RANCHI
B. A. No. 9501 of 2020

Ashim Ansari @ Asim Ansari … Petitioner

Versus

The State of Jharkhand … Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Pankaj Srivastava , Adv.
For the State : Mr. Shekhar Sinha , Addl. P.P.

02 / 09.12.2020 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 Ranka P.S. case no. 81 of 2020 instituted under sections 363, 366, 376D, 307, 506 of the Indian Penal Code and section 6 of POCSO Act..

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner along with co-accused person, committed gang rape upon a minor girl below the age of 16 years. 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 there is inordinate and unexplained delay in lodging the FIR as though the occurrence took place on 22.03.2020 but the FIR was lodged on 20.05.2020. It is further submitted by learned counsel for the petitioner that the petitioner has been in jail custody since 22.05.2020 as mentioned in paragraph 6 of the bail application and no injury was found in the private part of the victim and doctor has assessed the age of the victim between 15-16 years hence, the petitioner may be released on bail.

Learned Addl. P.P. vehemently opposes the prayer for bail and drawing attention of the court to statement of the victim recorded

under section 164 Cr.P.C, wherein the victim has disclosed her age to be 13 years and she has categorically stated the brutal manner with which she was ravished by two adult persons, one by one including the petitioner, it is submitted that the petitioner ought not to be released on bail.

Considering the serious nature of allegation against the petitioner of committing gang rape upon the victim girl of less then sixteen years of age, this Court is of considered view that this is not a fit case where the petitioner be released on bail. Accordingly, the prayer for bail of the above named petitioner is rejected.

Keeping in view the serious nature of offences involved in this case, notwithstanding any order in administrative side of this Court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months from the date of receipt of this order by the trial Court. It is made clear that the trial be conducted and witnesses be examined by observing the precautions relating to COVID-19 pandemic.

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

Smita/-