IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 10012 of 2020

Hardeep Yadav @ Hardeep Kumar Yadav
… Petitioner
Versus
The State of Jharkhand … Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Anurag Kashyap, Advocate
For the State : Mr. S. Sinha, P.P.

Order No.02 Dated- 17.12.2020

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 POCSO Case No.31 of 2020 arising out of Bhandariya P.S. Case No.15 of 2020 registered under sections 376 of the Indian Penal Code and under Section 4 of POCSO Act.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has committed rape upon the minor victim girl. It is further submitted that the allegations against the petitioner are all false and though in her statement recorded under Section 164 Cr.P.C., the victim has supported the case of the prosecution but the medical report does not support the allegation of commission of rape upon the victim. It is next submitted that the petitioner has been in custody since 05.03.2020 as has been mentioned in paragraph no. 13 of the bail application. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. on the other hand vehemently opposes the prayer for bail and submits that there is direct allegation of commission of rape upon the minor victim girl and as the victim has

herself categorically stated about the commission of rape by the petitioner upon her and in her statement under Section 164 Cr.P.C., there is every chance of the petitioner absconding, if released on bail. Hence, it is submitted that the petitioner ought not to be admitted to bail.

Considering the serious nature of allegation against the petitioner of committing rape upon the minor victim girl, this Court is of the considered view that this is not a fit case where the above named petitioner be admitted to bail. Accordingly, the prayer for regular bail of the above named petitioner is rejected.

Keeping in view the period of custody undergone by the petitioner and 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.)

Sonu-Gunjan/