

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 5689 of 2020

Pramod Ganjhu..... Petitioner
Versus
State of Jharkhand..... Opp. Party

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Coram: Hon'ble Mr. Justice Ananda Sen
Through:-Video Conferencing

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For the Petitioner : Mr. Yashvardhan, Advocate
For the State : Mr. Abhay Kr. Tiwary, A.P.P.
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2/09.09.2020 The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 11.00 A.M. They have no complaint in respect to the audio and video clarity and quality.

Learned counsel for the petitioner prays to ignore the defect and take up the matter on merits.

Learned counsel for the petitioner undertakes to deposit the deficit court fee within two weeks from today. Rest of the defects stand ignored.

Heard learned counsel appearing for the petitioner and counsel for the State, who opposes the prayer for bail of the petitioner.

The petitioner is an accused for allegedly committing offence punishable under Sections 376 of the Indian Penal Code, in connection with Balumath P.S. Case No. 174 of 2018 (Spl. POCSO Case No. 45/2018), pending in the court of Addl. Sessions Judge-III, Latehar.

Counsel for the petitioner submits that both, i.e. the victim and her mother have been examined and both of them have been declared hostile.

This is a case under Section 376 IPC. It is true that the victim, who is aged about 8-9 years and her mother have been declared hostile, but the impugned order clearly suggests that the Doctor has found recent sign of sexual assault on the victim, who is aged about 8-9 years. The FIR categorically alleges commission of rape by this petitioner upon the victim, who is aged about 8-9 years. This clearly suggests that there is some element of tampering with the evidence that's why the victim and her mother, who is the informant, have become hostile.

Considering the aforesaid fact, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is hereby rejected.

(Ananda Sen, J)