

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6407 of 2021

Anwar Sk. @ Anwar Shekh Petitioner
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Ashim Kr. Sahani, Advocate
For the State : Mr. Bishambhar Shastri, Addl.P.P

Order No.02 Dated- 08.09.2021

Heard the parties through video conferencing.

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

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest in connection with Pakur(Muffasil) P.S. Case No. 198 of 2020 instituted under Sections 417, 376, 496/34 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner committed rape upon the informant on the promise of marriage and the victim gave birth to a male child out of her relations with the petitioner and the petitioner is not accepting the informant and his son. It is submitted that the allegation against the petitioner is false. It is further submitted that the petitioner is a major lady and the father of the informant was adamant and trying to solemnize the marriage of his daughter with the petitioner who is younger than the victim by two years in age and this false case has been foisted against the petitioner. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and undertakes to pay ad interim victim compensation of Rs.2,00,000/- without prejudice to his defence in this case to the informant subject to final decision of this case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court within four months from today and in the event of his arrest or surrendering, the petitioner will be enlarged on bail on depositing a demand draft of Rs.2,00,000/- as ad interim victim compensation without prejudice to his defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Pakur in connection with Pakur(Muffasil) P.S. Case No. 198 of 2020 **with the condition that he will cooperate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case** and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner deposits the said demand draft, the court below is directed to issue notice to the informant and on her proper identification, the court below shall handover the same to her forthwith.

In case the petitioner deposits Rs.2,00,000/-, learned court below will pass an appropriate order regarding the same at the time of conclusion of trial.

(Anil Kumar Choudhary, J.)