

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6517 of 2021

Sidharth Jain @ Siddharth Jain @ Shidharth Jain
... Petitioner
Versus
The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Bharat Kumar, Advocate
For the State : Mr. S.S. Kumar, Addl. P.P.

Order No.02 Dated- 09.09.2021

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.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with AHTU Ranchi P.S. Case No.2 of 2020 registered under sections 370/376 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has committed rape upon the victim about five years ago when she was working in the house of the petitioner at Delhi but even after the alleged single occurrence of rape, the victim continued to work in the house of the petitioner for about one year. It is further submitted that the allegations against the petitioner are all false and there is an inordinate and unexplained delay of about five years in lodging the FIR and besides that, the victim has also alleged to have been committed rape by one Subhash Singh much before the alleged occurrence of rape by the petitioner. It is next submitted that the petitioner was living in his house with his wife, parents and two children where the victim alleged to work as a

maidservant and it is highly improbable that he could have committed rape upon the victim in his own house in presence of several members of his family and the victim could not disclose about the same for about five years. It is further submitted that the victim has several opportunity to disclose about the alleged rape for over five years during which period she admittedly worked as a maidservant in the house of several persons who admittedly treated her well and there is an inordinate delay of about two months in recording of the statement of the victim under Section 164 Cr.P.C. and there is also absolutely no medical evidence in support of the alleged commission of rape by the petitioner to the victim. It is then submitted that the petitioner was allegedly raped by another person namely Subas also of course long back and she did not disclose about the same before this FIR. It is then submitted that the petitioner undertakes to pay Rs. 5,00,000/- to the victim without prejudice to his defence in this case, subject to final decision of the case and undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of four months from the date of this order, he shall be released on bail on depositing a demand draft of Rs. 5,00,000/- drawn in favour of victim without prejudice to his defence in this case, subject to final decision of the case 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 C.J.M., Ranchi, in connection with AHTU Ranchi P.S. Case No.2 of 2020 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a

copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the ad interim victim compensation amount, the court below is directed to issue notice to the informant and hand over the said demand draft to her, after proper identification.

At the time of conclusion of the trial, the trial court will pass appropriate order regarding the money if any, deposited by the petitioner with the victim in connection with this case.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-