

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6536 of 2021

Suhagini Tudu @ Suhagini Tuddu	...	Petitioner
Versus		
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Manoj Kr. Sah, Advocate
For the State	: Mr. Vishwanath Roy, 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 her arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Lalmatia P.S. Case No.22 of 2021 registered under sections 366A/376 of the Indian Penal Code and under Section 8 of POCSO Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the co-accused being the bother of the petitioner enticed away the minor victim girl and committed rape upon the victim and the only allegation against the petitioner is that she being the sister of the co-accused-Birendra Tudu was not letting the victim to come out from the house. It is further submitted that the allegations against the petitioner are all false and the petitioner is a married lady living in Sahibganj and she was not present at the place of occurrence. It is further submitted that as she is the sister of the co-accused-Birendra Tudu, hence, she has falsely been implicated in this case. It is then submitted that the petitioner is ready and willing to pay Rs. 50,000/- as ad interim victim compensation to the informant

without prejudice to her defence in this case and undertakes to cooperate with the investigation of the case and also undertakes that she will not annoy or disturb the informant in any manner during the pendency 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 her arrest or surrender within a period of four months from the date of this order, she shall be released on bail on depositing a demand draft of Rs. 50,000/- as ad interim victim compensation drawn in favour of informant without prejudice to her defence in this 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 Special Judge (POCSO), Godda, in connection with Lalmatia P.S. Case No.22 of 2021 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 her mobile number and a copy of her Aadhar Card in the court below with the undertaking that she will not change her mobile number during the pendency of the case with further condition that she will not annoy or disturb the informant in any manner 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.

(Anil Kumar Choudhary, J.)