

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6276 of 2021

Sanjay Mahto @ Sanjay Kumar	...	Petitioner
Versus		
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Gautam Kumar, Advocate	
For the State	: Mr. Abhay Kr. Tiwari, Addl. P.P.	

Order No.02 Dated- 07.09.2021

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 Dhurwa P.S. Case No.95 of 2021 registered under sections 376/313/506/34 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 informant on the promise of marriage and caused her miscarriage without her consent but did not marry her. It is further submitted that the allegations against the petitioner are all false and both the petitioner and the victim are major persons and at best the allegation makes out a case of consensual sexual relationship between the parties. It is then submitted that the petitioner is ready and willing to pay Rs. 2,00,000/- as ad interim victim compensation to the informant without prejudice to his defence in this 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. 2,00,000/- as ad interim victim compensation drawn in favour of informant without prejudice to his 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 C.J.M, Ranchi, in connection with Dhurwa P.S. Case No.95 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 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.

(Anil Kumar Choudhary, J.)