

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No. 1171 of 2018

Ramesh Kumar Mandal @

Raju Mandal

... .. Appellant

Versus

The State of Jharkhand

... .. Respondent

**CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE RAJESH KUMAR**

For the Appellant : Mr. Lalit Yadav, Advocate

For the Respondent : Mrs. Lily Sahay, A.P.P.

Order No. 06: Dated: 8th September, 2021

Heard the parties.

I.A. No. 3047 of 2021

Through this interlocutory application, the appellant has renewed his prayer for bail during the pendency of the appeal.

The appellant has been convicted for the offence punishable u/s. 6 of POCSO Act and has been sentenced to undergo for R.I. for 14 years and a fine of Rs. 3,000/-.

Learned counsel for the appellant has referred to the evidence of the victim, who is P.W. 1, and has stated that there was no hue and cry raised by the victim when she was taken to a house and subjected to rape by the appellant. It has further been stated that there is an apparent consent on the part of the victim to the sexual advances made by the appellant.

Learned counsel further submits that the appellant has remained in custody for 4 years. It has also been stated that the medical report does not support the factum of rape. Learned counsel for the appellant has relied on the evidence of P.W. 9, the Investigating Officer, with respect to the victim being sent for medical examination.

Learned A.P.P. has opposed the prayer for bail made by the appellant.

It appears that the appellant had taken the ground of consent on the part of the victim, when the appellant had established physical relationship with her. The age of the victim was assessed to be 17 years which indicates that the victim was a minor when she was subjected to rape and, therefore,

there was no question of consent on her part.

The aforesaid facts had been considered when the bail of the appellant was earlier rejected in I.A. No. 7030 of 2019 and there being no fresh ground to implore this Court to reconsider the prayer for bail of the appellant, this application stands rejected.

(Rongon Mukhopadhyay, J.)

(Rajesh Kumar, J.)

MM