

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B. A. No. 3144 of 2020

Mithun Mandal Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. B. M. Tripathi, Sr. Advocate
For the State : Mr. Azeemuddin, A.P.P.
For the Informant : Mr. Rahul Ranjan, Advocate

03/07.07.2020 Heard Mr. B. M. Tripathi, learned senior counsel for the petitioner, Mr. Azeemuddin, learned A.P.P. for the State assisted by Mr. Rahul Ranjan, learned counsel for the informant.

Petitioner has been made accused in connection with Karmatanr P.S. Case No. 83 of 2019 corresponding to G. R. No. 100 of 2020 (S. T. No. 42 of 2020).

It has been alleged that the petitioner had committed rape upon the informant.

In the 164 CrPC statement of the victim she has stated that the petitioner had committed rape upon her and when her sister-in-law saw the petitioner she was slapped by him.

On perusal of the case diary it appears that the most of the witnesses have stated that they had assembled on hearing the cry of alarm of the informant. The statement of the independent witness namely Panchu Mandal has been recorded at Paragraph - 56 of the case diary in which he has stated that the petitioner and the informant are neighbours and there was a friendly relationship between them. Similar is the statement of one Umeid Mandal recorded at Paragraph - 57 of the case diary in which it has also been added about some monetary transactions between the petitioner and the informant. It also appears that the husband of the informant works in Chennai and the informant used to remain alone.

All these points to the facts that the informant was a consenting party to the sexual overtures made by the petitioner and perhaps on account of the arrival of her sister-in-law only to save herself the entire incident was enacted.

The petitioner is in custody since 03.02.2020.

Regard being had to the above, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - II, Jamtara, in connection with Karmatanr P.S. Case No. 83 of 2019 corresponding to G. R. No. 100 of 2020 (S. T. No. 42 of 2020).

(Rongon Mukhopadhyay, J.)

Umesh/-