

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)

B.A .No. 2379 of 2023

Ashok Gurung

... .. Petitioner

Versus

The State of Jharkhand

... .. Opposite Party

CORAM : HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner

: Mr. D.K. Chakraverty, Advocate

For the State

: Mrs. Nehala Sharmin, Spl. PP

Order No. 03 /Dated: 30th June, 2023

Heard the learned counsel for the petitioner and the learned APP for the State.

The learned counsel for the petitioner submits that the petitioner is working for eight years in the concerned school and prior to this incident no any allegation has been made against him of such nature. Learned counsel further submits that the girl is not the student of said school and only thing is that the mother of the girl is daily wage worker in the said school. However, regarding the allegations no where in the CCTV it can be made out or indicated that he had outraged the modesty of the alleged victim. He has further submitted that he has no criminal antecedent and the charges have already been framed in the said sections. However date of occurrence is 27.11.2022 and till date of filing of this application no witness has been examined.

The learned counsel for the State has, on the other hand, submitted that the serious allegations of sexual assault upon 11 year girl has been made against the petitioner and she has fully supported the case in the statement under section 161 of the Cr. P.C. and under section 164 of the Cr. P.C. and, therefore, bail should definitely be denied .

Having heard both counsels, gone through the records of the case and in the facts and circumstances of the case, I am inclined to release the petitioner, named above, on bail, on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Judicial Commissioner-IV-cum- Special Judge, POCSO, at Ranchi in connection with POCSO Case No. 09 of 2023 arising out of Jagarnathpur (Pundag O.P.) P.S. Case No. 469 of 2022, subject to the condition one of the bailors must be his close relative

with further condition that the petitioner shall remain present on each and every date of trial before the Court below unless dispensed with by the learned Court below.

(Ratnaker Bhengra, J.)

Sharda/