

In the Court of Addl. Sessions Judge-II-cum- Spl. Judge
(POCSO), Latehar

Bail Petition No. 567/2022
CNR No. JHLT01-002980-2022
(Latehar P.S.149/2022)
(Spl. POCSO No. 42/2022)

21.01.2023

A bail petition has been filed on behalf of accused/petitioner Mahendra Ganjhu, S/o Late Gandori Ganjhu in connection with Spl. POCSO No. 42/2022 arising from Latehar P.S Case No. 149/2022, registered u/s 366A, 506 of the IPC.

The learned counsel for the petitioner has submitted that no bail petition has been filed earlier on behalf of petitioner either before this court or before superior Court prior to it. It is further submitted that the petitioner is in custody in connection with this case since 17.10.2022. Further it is submitted that the petitioner is innocent and has been falsely implicated in this case. He was not been arrested on the spot. All the sections invoked against the petitioner are bailable one except Sec. 366A IPC. Sec. 366A IPC is not applicable in the instant case. There is no force or seduction to illicit intercourse to the victim girl in the instant case. There is no eye witness to the alleged occurrence. There is no criminal antecedent against

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the petitioner nor there is any cogent evidence against him.

The learned P.P I/c opposed the prayer of bail. It is submitted that the case was registered u/s 366A, 506 of the IPC but chargesheet in this case has been submitted u/s 366A, 506, 376 (2)(n) IPC and Sec. 4/8 of the POCSO Act. Further, it is submitted that as per FIR the petitioner kidnapped minor daughter of the informant on 18.05.2022. He also threatened the informant that if he bothered him (the petitioner) he would kill him and make objectionable video of his daughter viral. Further, it is submitted that as per admit card of victim issued by Jharkhand Academic Council, her date of birth is 08.03.2005, therefore she was minor at the time of occurrence. In her statement u/s 164 Cr.P.C also the victim has stated that she has married the petitioner and lived with him for two months as husband and wife.

Heard both the sides and perused the L.C.R and case diary. Chargesheet in this case has been

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submitted against the accused u/s 366A, 506, 376 (2)

(n) IPC and sec. 4/8 of the POCSO Act and cognizance of offence against accused/ petitioner has been taken on 21.12.2022 under same sections. From perusal of case diary (para 37 and 62) it transpires that the victim was recovered from house of the petitioner. Her date of birth is 08.03.2005. Photocopy of admit card of victim is also on the record. considering her date of birth she was minor at the time of occurrence. In her statement u/s 164 Cr.P.C also she has stated that she lived with the petitioner for two months as husband and wife. These material available on record make out of prima facie case against the petitioner under POCSO Act. In view of aforesaid discussion this court is not inclined to release the petitioner on bail. Accordingly, bail petition stands rejected.

(Dictated)

(Amit Kumar)
Addl. Sessions Judge-II-
cum-Spl. Judge (POCSO),
Latehar.

