

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (DB) No. 388 of 2019

Saddam Khan ... Appellant

Versus

State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

HON'BLE MR. JUSTICE AMBUJ NATH

For the Appellant : Mr. Mohit Prakash, Advocate

For the State : Mrs. Kumari Rashmi, A.P.P.

Order No. 05

Dated 21st June, 2022

I.A. No. 2374 of 2022

Heard the learned counsel for the respective parties.

This application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offences u/s 376D of the Indian Penal Code and u/s 6 of the POCSO Act and has been sentenced to undergo rigorous imprisonment for life along with a fine of Rs. 25,000/- for the offence u/s 6 of the POCSO Act.

It has been alleged that when the victim had gone to answer the call of nature, the accused persons had caught hold of her, closed her mouth and taken her towards the field. Subsequent thereto all the accused persons including the appellant had committed rape upon her.

It has been submitted by the learned counsel for the appellant while referring to the evidence of the victim who has been examined as P.W. 1 that the name of the appellant was disclosed to her by her brother, but the brother of the victim who has been examined as P.W. 6 has shown ignorance about the entire incident. Learned counsel also submits that the age of the victim has been assessed to be between 15-16 years and if the upper limit is taken, the victim is a major.

Learned Spl.P.P. has opposed the prayer for bail of the appellant.

It appears from the FSL report that the DNA profile of the appellant was found positive with the sample source of the victim.

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On consideration of specific nature of allegations levelled against the appellant of committing gang rape upon the victim which has been supported by the FSL report, we are not inclined to grant bail to him. Accordingly, the prayer for bail of the appellant is hereby rejected at this stage.

I.A. No. 2374 of 2022 stands rejected.

(RONGON MUKHOPADHYAY, J.)

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(AMBUJ NATH, J.)