
Aakash Shinde Vs State Of M.P

Miscellaneous Criminal Case No. 45268 Of 2020

Court: Madhya Pradesh High Court (Indore Bench)

Date of Decision: Nov. 11, 2020

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 437(3), 439#Indian Penal Code, 1860 " Section 363, 366, 368, 376(2)(N)#Protection Of Children From Sexual Offences Act, 2012 " Section 5(L), 6

Hon'ble Judges: S.K. Awasthi, J

Bench: Single Bench

Advocate: Lalit Dogiwal, Zeeshan Khan

Final Decision: Allowed

Judgement

S.K. Awasthi, J

This is repeat (second) application under Section 439, Cr.P.C for grant of bail in connection with Crime No.194/2020, registered at Police Station-

Manakchouk, District-Ratlam (M.P.), for commission of the offence punishable under Sections 363, 366, 368 & 376(2)(N) of Indian Penal Code and

Sections 5(L) and 6 of Protection of Children from Sexual Offences Act,2012.

As per prosecution case, complainant lodged a missing report of his daughter at police station Manakchouk District Dewas. During investigation police

recovered the prosecutrix and on the basis of her statement the aforesaid offence has been registered against the applicant.

Learned counsel for the applicant has submitted that the applicant is a youth aged about 29 years and he has not committed any offence. It is further

submitted that there is no allegation against the applicant regarding abduction or commission of rape with the prosecutrix and the said allegation is

against the co-accused Arjun who has already been granted bail by this Court vide order dated 21.10.2020 passed in M.Cr.C. No.41159/2020. The

only allegation against the applicant is that he asked for Rs.50,000/- from prosecutrix for getting her marriage with the co-accused Arjun. It is further

submitted that the case of the applicant is similar to the co-accused Vivek who has also granted bail by this Court vide order dated 05.10.2020 passed

in M.Cr.C. No.34586/20. The applicant is in custody since 17.07.2020. The conclusion of trial will take sufficient long time. Under these

circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned counsel for the State submits that no sufficient ground is made out for releasing the applicant on bail, hence the application filed by the

applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, but without commenting on the

merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in

the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of the trial Court for his regular

appearance before the trial Court during trial with a condition that he shall remain present before the court concerned during trial and shall also abide

by the conditions enumerated under Section 437(3) Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.