

Mukesh Vs State Of Madhya Pradesh And Others

Court: Madhya Pradesh High Court

Date of Decision: July 13, 2021

Acts Referred: Code Of Criminal Procedure, 1973 " Section 164, 437(3), 439
Indian Penal Code, 1860 " Section 363, 366, 366-A, 376, 376(2), 376(3)
Protection Of Children From Sexual Offences Act, 2012 " Section 3, 4, 5, 6

Hon'ble Judges: Rajendra Kumar Verma, J

Bench: Single Bench

Advocate: Madan Singh, Narendra Singh Lodhi

Final Decision: Allowed

Judgement

Rajendra Kumar Verma, J

This is the first application filed by the applicant under Section 439 of the Cr.P.C. seeking regular bail.

The applicant is in custody since 11.03.2021 in connection with Crime No.584/2020 registered at P.S.Hatta, District Damoh for the offences

punishable under Sections 363, 366, 366-A, 376, 376(2) & 376(3) of I.P.C. and Sections 3/4 & 5/6 of the Protection of Children From Sexual Offence

Act, 2012.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. Learned counsel for the applicant has further

submitted that the prosecutrix in her statement recorded under Section 164 of Cr.PC. before the Court has not supported the prosecution case.

Applicant is in custody since 11.03.2021. The trial would take considerable time to conclude in this Covid-19 situation, therefore, he may be released

on bail.

Learned Panel Lawyer for the respondent/State, on the other hand, has opposed the application.

Keeping in view the facts and circumstances of the case in their entirety, particularly the facts as pointed out by the learned counsel for the applicant,

in the opinion of this Court, the applicant deserves to be released on bail.

Consequently, this first application for bail under Section 439 of the Cr.P.C. filed on behalf of the applicant is allowed.

It is directed that applicant Mukesh shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fift Thousand Only)

with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be

fixed in this regard during the pendency of trial. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the

Cr.P.C.

This order be effective till the end of the trial, however, in case of bail jump, it shall become ineffective. Jail authorities and State Government are

directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus, before and after releasing the applicant.

The M.Cr.C. stands allowed and disposed of accordingly.

C.C. as per rules.