

(2021) 12 MP CK 0094

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.64477 Of 2021

Shailesh @ Savji

APPELLANT

Vs

State Of Madhya Pradesh And
Others

RESPONDENT

Date of Decision: Dec. 30, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 437(3), 439
- Indian Penal Code, 1860 - Section 363, 366, 376
- Protection Of Children From Sexual Offences Act, 2012 - Section 5, 6
- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(2)(V)

Hon'ble Judges: Rajendra Kumar Verma, J

Bench: Single Bench

Advocate: Nilesh Dave, Viraj Godha

Final Decision: Disposed Of

Judgement

Rajendra Kumar Verma, J

This is first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.

265/2018 registered at Police Station "Raipuriya, District -Jhabua for the offence registered under Sections s 363, 366, 376 of IPC and sections 5/6

of POCSO Act and sections 3(2)(V) of SC & ST (Prevention of Atrocities) Act. The applicant is in custody since 18/08/2019

As per prosecution story, the allegation against the present applicant, he abducted and committed rape upon the prosecutrix, hence the aforementioned

offences have been registered and he has been arrested.

Learned counsel for the applicant submits that applicant is innocent and he has falsely been implicated in the present crime. He has no criminal antecedents. Investigation is over and chargesheet has been filed. The applicant is in custody since 18/08/2019. The prosecutrix and father of the prosecutrix were examined on 13/07/2021 and they have turned hostile and not supported the prosecution story and conclusion of trial will take sufficient long time. In these circumstances the applicant be released on bail.

The prayer is opposed by learned Panel Lawyer for the respondent / State.

Taking into consideration all the facts and circumstances of the case, the arguments advanced by learned counsel for the parties as also the fact that the prosecutrix has turned hostile and not supported the prosecution case; investigation is over and chargesheet has been filed and the applicant is in custody since 18/08/2019., however without commenting on merits, I deem it proper to enlarge the applicant on bail.

Accordingly, the bail application is allowed. The applicant is directed to be enlarged on bail on his furnishing 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 appearance before the trial Court concerned as and when directed.

He shall abide by the conditions enumerated under Section 437(3) of the Cr.P.C..

The applicant will attend each hearing of his trial before the trial Court out of which this bail arises. Any default in the attendance in Court would result in cancellation of the bail granted by this Court. With the aforesaid, the application stands disposed of.

Certified copy, as per Rules.