
(2024) 02 MP CK 0030

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No. 5771 Of 2024

Rahul

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision: Feb. 9, 2024

Acts Referred:

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

Hon'ble Judges: Vijay Kumar Shukla, J

Bench: Single Bench

Advocate: Nilesh Dave, Ajay Raj Gupta

Final Decision: Allowed/Disposed Of

Judgement

Vijay Kumar Shukla, J

1. This is second bail application under Section 439 of Cr.P.C for grant of regular bail in connection with crime No.596/23 dated : 21/10/2023 registered at P.S. - Barwah District - Indore for offences punishable under Sections 363, 366, 376, 376(2)(N) of IPC and Section 5(L)/6 of POCSO Act. The first application was dismissed as withdrawn.

2. Counsel for the applicant submits that the statement of the prosecutrix and her father have been recorded in the Court and they have not supported the prosecution story.

3. Counsel for the State opposes the prayer for grant of bail on the ground that the prosecutrix is minor as per the scholar register.

4. After hearing learned counsel for the parties and upon going through the statement of the prosecutrix, it is evident that she has totally denied the allegation

against the present applicant. Her father has also not supported the prosecution story. The applicant is in jail since 13/11/2023, the conclusion of trial may take time, I am of the view that the applicant is entitled for grant of bail.

5. It is directed that applicant Rahul shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty thousand Only) with one surety of the like amount to the satisfaction of the Ld. Court below.

6. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Ld. Court below.

7. With the aforesaid, the application is allowed and disposed off.

Cc as per rules.