THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.38557/2020

(Shrichand Vs. State of M.P.)

Jabalpur, Dated : 11 / 12 / 2020

Shri P. C. Patel, counsel for the applicant.

Shri Jitendra Shrivastava, P.L. for the respondent / State.

The proceeding was convened through video conferencing.

Heard with the aid of case diary.

This is **second** application filed under section 439 Cr.P.C. Applicant **Shrichand** was arrested on 01.12.2019 in Crime No. 481/2019 registered at Police Station Kurai, District Seoni for the offence punishable under Section 376, 376(2)(i), 376(2)(F)of IPC.

The first bail application of the applicant has been dismissed as withdrawn vide order dated 27.01.2020 passed in M.Cr.C.No. 2309/2020 with liberty to file afresh after receiving of the DNA report.

As per the prosecution case, applicant who is the relative of the prosecutrix committed rape with the prosecutrix who was deaf and dumb, due to which she became pregnant and gave birth to a child.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. Even applicant is ready to marry with prosecutrix and mother of the prosecutrix is also ready to marry prosecutrix with applicant. In this regard, prosecutrix, her mother and sister have also filed affidavits in support of applicant's application. The applicant has been in custody since 01.12.2019 and the conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer.

It is alleged that applicant who is already married, committed rape with the prosecutrix, who was deaf and dumb girl due to which she became pregnant and gave birth to a child, so looking to the gravity of the offence, this Court is not inclined to grant bail to the applicant.

Hence, the applicant is rejected.

(Rajeev Kumar Dubey)
Judge

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