

CRM-M-21812-2023 (O&M)**-2-**

taken by the police authorities. She has further stated that the petitioner had not committed any wrong act with her. Even, no forceful act or any act of molestation was committed by him. The petitioner is in custody for a period of 11 months and 16 days and not involved in any other case. The offence under Section 366-A IPC has been deleted and the charge has been framed under Sections 363/366 IPC. Even, the victim has not appeared in the trial Court on the previous date of hearing to get the statement recorded.

4. Learned State counsel has not disputed the fact with regard to the allegations as spelt out by the victim in her statement under Section 164 Cr.P.C. It has also been submitted that the charge has been framed under Sections 363/366 IPC and out of 20, no witness has been examined till date.

5. It is significant to note that the offence under Section 366-A IPC has been deleted. The victim was recovered on the following day of occurrence from the house of the sister of the petitioner. The sister of the petitioner had also scolded the petitioner and was instrumental in informing the parental family of the victim. There is categorical statement of the victim to the effect that the petitioner had neither done anything wrong, nor committed forceful act nor molested her. The only allegation against the petitioner is to the effect that by extending threats, he had taken the victim on motorcycle to Tohana. The petitioner is in custody for a period of 11 months and 16 days and not involved in any other case. Till date, no witness has been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his

CRM-M-21812-2023 (O&M)

-3-

furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

25.08.2023
renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No