IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4436 of 2024

BETWEEN:-

BRIJENDRA SINGH ALIAS BOBY BHADORIA S/O SRI BHUPENDRA SINGH, AGED ABOUT 34 YEARS, OCCUPATION: PRIVATE JOB D-7 220 KB MPEB COLONY MAHALGAUN DISTRICT GWALIOR (MADHYA PRADESH)

.....APPLICANT

(SHRI RAJMANI BANSAL, LEARNED COUNSEL FOR THE PETITIONER) .

AND

1. **THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION MADHOGANJ DISTRICT GWALIOR M.P. (MADHYA PRADESH)**

2. **PROSECUTRIX THROUGH POLICE STATION MADHOGANJ DISTRICT GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

(MS. KALPANA PARMAR- P.L.- APPEARING ON BEHALF OF ADVOCATE GENERAL).

This application coming on for admission hearing this day, the court passed the following:

ORDER

This is **first** application u/S.438 Cr.P.C. for grant of anticipatory bail has been filed by the applicant who is apprehending his arrest in connection with Crime No. 271 of 2023 registered at Police Station Madhoganj, District Gwalior (M.P.) for the offence punishable under Sections 363, 366 (A), 376 (2) (n), 34 of IPC and section 5/6 of POCSO Act.

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Signed by: SANJAY NAMDEORAO DURGEKAR
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Learned counsel for the applicant/accused argued that the applicant is innocent and has been falsely implicated, which is evident from the fact that prosecutrix left her house on her own volition as she wanted to get marry with the co-accused Navin, however, her mother was not agreed for the same. She lived with co-accused at Sonipal (Haryana) and Delhi for almost six months as husband and wife. However, she was recovered by the police and her statement under section 161 of Cr.P.C. was recorded on 15/01/2024, in which, she has not made any allegation against the present applicant. It is further argued that since the present applicant helped the parents of the prosecutrix to recover her, therefore, the prosecutrix in her statement recorded on 17/01/2024 under section 164 of Cr.P.C. had made allegation against the present applicant in regard to the alleged incident which took place in the year 2022. There is no explanation as to why she did not make any complaint against the present applicant in regard to the said alleged incident took place in the year 2022. The applicant has no criminal antecedents. Applicant is permanent resident of District Gwalior (M.P.). Further submission is that the applicant is ready and willing to co-operate in the investigation and shall abide by all the terms and conditions as may be imposed by this Court; therefore, he prays for grant of anticipatory bail to the applicant.

On the other hand, learned State counsel opposed the anticipatory bail application and prays for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case and material available on record, but without expressing any opinion on merits of the case,

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this application is allowed and it is directed that in the *event of arrest*, the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/-(Rupees Fifty Thousand Only) with two local solvent sureties** in the like amount to the satisfaction of the Arresting Officer/Investigating Authority.

The applicant shall further abide by other conditions enumerated under Section 438 (2) of the Code of Criminal Procedure.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

Durgekar

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