IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1802 of 2024

BETWEEN:-

NIKHIL S/O ANIL KATIYA, AGED ABOUT 21 YEARS, R/O 84 BAPU GANDHI NAGAR INDORE (MADHYA PRADESH)

.....APPLICANT

(SHRI TUSHAR SODANI, LEARNED COUNSEL FOR THE PETITIONER .

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION LASUDIA DIST. INDORE (MADHYA PRADESH)

.....RESPONDENTS

(SHRI AJAY RAJ GUPTA APPEARING ON BEHALF OF ADVOCATE GENERAL.

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

ORDER

This is first application filed on behalf of the applicant for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973 relating to FIR No.824/2023 dated (not mentioned), registered at Police Station-Lasudiya, District-Indore M.P.) for the offence punishable under Sections 363, 366-A, 376, 376(2)(n) of the Indian Penal Code, 1860 under Section 5(L)/6 of POCSO Act. The applicant is in custody since 25.06.2023.

2. As per prosecution story, the allegation against the applicant is that he has committed rape upon the prosecutrix.

3 . Learned counsel for the applicants submits that the applicant is

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innocent and has falsely been implicated in this case. It is further submitted that the prosecutrix has not made any allegations against the applicant in her statements recorded under Section 164 of Cr.P.C. The applicant is in custody since 25.06.2023 i.e. more than 4 months. Final conclusion of the trial is likely to take sufficient long time, therefore, it is prayed that the application be allowed and the applicants be released on bail.

4. Counsel for the respondent/State, on the other hand, has opposed the prayer and prays for its rejection.

5. Having taken into consideration all the facts and circumstances of the case, custody period of the applicant and statements of the prosecutrix, I am inclined to release the applicant on bail. Consequently, without commenting anything on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

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(PREM NARAYAN SINGH)
JUDGE

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