IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2531 of 2024

BETWEEN:-

GANESH S/O GANGA BISAN MANDRAI, AGED ABOUT 27 YEARS, OCCUPATION: LABOUR SAWAL BEDA P.S. CHIPAWAD DISTT. HARDA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SUBODH CHOUDHARY - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION BARWAH DISTT. KHARGONE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI SANTOSH SINGH THAKUR - PUBLIC PROSECUTOR)

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

ORDER

This is first application under section 439 Cr.P.C. for grant of regular bail in connection with FIR No.664/2023 dated (not mentioned) registered at P.S-Barwaha, Dist. Khargone (M.P.) for offences punishable under Section(s) 363, 366, 376(2)(n), 376(2)(f) IPC and Section 3/4, 5(L)/6 of POCSO Act.

2. A missing report was lodged by the father of the prosecutrix.

3. Counsel for the applicant submits that in the statement of the prosecutrix, she has stated that she has herself had gone along with the applicant at many places and also went to the State of Rajasthan. They got married and thereafter made relationship of husband and wife. The age of the prosecutrix is more than

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17 years.

4. Counsel for the State opposes the prayer on the ground that the age of the prosecutrix is less than 18 years.

5. After hearing learned counsel for the parties and taking into consideration the statement of the prosecutrix that she herself had gone along with the accused to many places and also to the State of Rajasthan, they got married and performed relationship as husband and wife, the age of the prosecutrix is more than 17 years, the investigation has been completed and the charge-sheet has been filed, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

6. It is directed that Applicant- Ganesh 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 court below.

7. 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 court below.

C.c. as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

soumya

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Signed by: SOUMYA RANJAN DALAI
Signing time: 05-02-2024 18:10:35