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. 2622 of 2024

BETWEEN:-

MAHESH S/O GANGARAM,
AGED ABOUT 18 YEARS,
OCCUPATION: LABOUR
R/O. VILLAGE LASUDIYA P.S. NOGAON
DISTT. DHAR (MADHYA PRADESH)

.....APPLICANT

(SHRI ANURAG VYAS - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION DHARAMPURI DISTT. DHAR
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI SURENDRA GUPTA - GOVT. ADVOCATE)

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

ORDER

Heard and perused the record.

This first bail application has been filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail relating to Crime No.360/2021 dated (not mentioned), registered at Police Station-Dharampuri, District-Dhar (M.P.) for the offence under Sections 363, 366-A, 376, 376(2)(n), 344, 323 of IPC, 1860 and under Section 3/4 and Section 5(*l*)/6 of the Protection of Children from Sexual Offences Act, 2012. The applicant is

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in custody since 23.08.2023.

2 . As prosecution story, the applicant has committed rape upon the minor prosecutrix. Hence, the police has registered the case against him.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The applicant and the prosecutrix have resided together for about two years and the prosecutrix has been recovered after a lapse of two years. It is further submitted that the applicant is in jail since 24.06.2023. It is also submitted that the final conclusion of the trial is likely to take sufficient long time, hence, it is prayed that the applicant is entitled to be released on bail.

4. Learned counsel for the respondent/State opposed the prayer.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case, nature of allegation and custody period, I am of the view that it is a case, in which applicant may be released on bail. Consequently without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail 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

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ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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