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. 2813 of 2024

BETWEEN:-

NARENDRA SINGH S/O SEWARAM
CASTE BHEEL, AGED ABOUT 22 YEARS,
OCCUPATION: LABOUR
R/O. GRAM PETLAWAD TEHSIL MAHIDPUR
(MADHYA PRADESH)

.....APPLICANT

(SHRI V. S.PARIHAR - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH**
   STATION HOUSE OFFICER THROUGH
   MAHIDPUR ROAD (MADHYA PRADESH)

2. **PIDITA X THROUGH**
   P.S. MAHIDPUR ROAD,
   JILA UJJAIN (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SURENDRA GUPTA - GOVT. ADVOCATE)
(SHRI VEDIKA ARORA - ADVOCATE)

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

ORDER

Heard and perused the case diary.

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of applicant relating to Crime No.260/2023 registered at Police Station-Madhidpur Road, District-Ujjain for the offences under Sections 363, 376(2)(n) of IPC, 1860 and under Section 5(*l*)/6 of the

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Signed by: SUMATHI
Signing time: 03-02-2024 16:17:29

POCSO Act, 2012. He is in custody since 09.12.2023.

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

3. Learned counsel for the applicant submits that the missing report was lodged on 04.12.2023 and thereafter the prosecutrix surrendered before the Court on 08.12.2023 and then FIR was lodged on the same day. Applicant was arrested on 09.12.2023. As per the statement recorded under Section 164 of Cr.P.C the relationship between the prosecutrix and the applicant are consensual. Age of the applicant is 22 years and the age of prosecutrix 17 years at the time of recording of the statement under Section 164 of Cr.P.C. The applicant is in custody since 09.12.2023 (approximately 2 months). Therefore, he prays that the benefit of grant of bail be given to the applicant and enlarged on bail.

4. Learned counsel for the respondent/State has opposed the prayer and prayed for its rejection.

5. Considering the facts and circumstances of the case and after perusal of the case-diary, without commenting on the merits of the case, I deem it proper to enlarge the applicant on bail. Accordingly, the bail application filed by the applicant is 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.

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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.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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