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. 4408 of 2024

BETWEEN:-

DEEPAK S/O PARMANAND, AGED ABOUT 23 YEARS, OCCUPATION: LABOUR VILL. KHUNDA, P.S. DHARAMPURI, DISTT. DHAR (MADHYA PRADESH)

.....APPLICANT

(SHRI CHANDRA PRAKASH PUROHIT, ADVOCATE).

AND

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

.....RESPONDENTS

(SHRI SAMEER VERMA PL FOR THE STATE).

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

ORDER

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of applicant relating to Crime No.189/2023 registered at Police Station-Maheshwar, District-Khargone, for the offences under Sections 363, 366, 376(2)(n) of IPC and under Section 5l/6of the POCSO Act. He is in custody since 29.11.2023.

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 applicant is innocent and has been falsely implicated in this case. The prosecutrix herself called the

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applicant. She and the applicant resided with each other. She has become pregnant. The physical relationship was consensual. In her statement recorded under Section 164 of Cr.P.C., she has not supported the case of prosecution. The applicant is in custody since 29.11.2023. 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 by submitting that the prosecutrix is a minor girl.

5. Considering the facts and circumstances of the case and after perusal of the case-diary and custody period of the applicant, 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.

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

VD

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