IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2180 of 2024

BETWEEN:-

KRISHNPAL @ K.P. PATEL S/O SHRI RAMNIVAS PATEL, AGED ABOUT 23 YEARS, OCCUPATION: LABOUR VILLAGE DUARI POLICE STATION GURH DISTRICT REWA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI D.S.DUBEY - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GURH DISTRICT REWA (MADHYA PRADESH)**

2. **VICTIM A D/O NOT MENTION THROUGH POLICE STATION GURH DISTRICT REWA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MANOJ SINGH - PANEL LAWYER FOR THE RESPONDENT/STATE)

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

ORDER

This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.235/2023 registered at Police Station - Gurh District Rewa (M.P.) for the offence punishable under Sections 363, 366, 376(3), 376(2)(n), 366A, 370(4) of IPC, Section 5/6 of POCSO Act and Section 3(2)(5) of SC/ST Act. Applicant is in detention since 12.08.2023. His first application was dismissed as

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withdrawn vide order dated 03.01.2024 passed in M.Cr.C.No.54503/2023.

2. As per the prosecution story, allegation against the applicant is that he alongwith one other person, kidnapped the prosecutrix and taken her to Maihar at one room where one Sanjay was already present. They got her married with Sanjay, thereafter Sanjay taken her at his house where she stayed with him for a month. After sometime, she got to know that Sanjay had given money to marry her. On the basis of complaint lodged by parents of the prosecturix, Police registered the case against the present applicant under the aforesaid Sections.

3. Learned counsel for the applicant submitted that applicant is in jail since 12.08.2023. He has been falsely implicated. It is further submitted that there is no allegation of rape against the applicant. Statement of prosecutrix and her mother have been recorded where they have not stated anything against the present applicant regarding offence. There is no criminal record of the applicant. Therefore, it has been prayed that the applicant may be released on bail.

4. On the other hand, learned counsel for State has opposed the prayer for grant of bail to the applicant.

5. Having taken into consideration all the facts and circumstances of the case, but without commenting on merit of the case, I am inclined to release the applicant on bail. Consequently, 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

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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.

(PRAMOD KUMAR AGRAWAL)
JUDGE

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