IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3284 of 2024

BETWEEN:-

NIRMAL S/O SHRI GOVIND, AGED ABOUT 20 YEARS, OCCUPATION: LABOUR R/O VILLAGE CHHINDIKAMATH AARAKSHI KENDRA JUNNARDEV DISTRICT CHHINDWARA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI JAYANT P. PATEL - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH AARAKSHI KENDRA JUNNARDEV DISTRICT CHHINDWARA (MADHYA PRADESH)**

2. **VICTIM X D/O NOT MENTION THROUGH AARAKSHI KENDRA JUNNARDEV DISTRICT CHHINDWARA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI NARENDRA CHOURASIYA - GOVT. ADVOCATE)

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

ORDER

This is the first bail application filed by applicant under Section 439 of Code of Criminal Procedure for grant of regular bail relating to FIR No.393/2023, registered at Police Station-Junnardev District-Chhindwara (M.P.) for the offence punishable under Sections 363, 366(A), 376(2)(n), 368/34 of IPC & Section 5L, 5 & 6 of POCSO Act.

2. Learned counsel appearing for the applicant submitted that applicant is

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innocent and has falsely been implicated in the case. They have no role in act of rape committed by main accused person. Only allegation made against applicant is that he has helped the prosecutrix in absconding along with her lover. Prosecutrix is aged more than 17 years and was consenting party. In these circumstances, applicants may be released bail.

3. Learned Government Advocate appearing for the State opposed the bail application.

4. Heard the learned counsel for the parties.

5. Considering the facts and circumstances of the case, bail application filed by the applicant is ***allowed.*** It is directed that the applicant shall be released on bail on his furnishing personal bond in the sum of **Rs.50,000/- (Rupees One Lac only)** with one surety in the like amount to the satisfaction of the trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

6. The applicant shall also abide by the following conditions of Section 437(3) of Cr. P. C. as under:-

> *(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;*
>
> *(b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected and;*
>
> *(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.*

Certified copy as per rules.

(VISHAL DHAGAT)

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JUDGE

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