IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3548 of 2024

BETWEEN:-

SATISH UIKEY S/O LAKHAN UIKEY, AGED ABOUT 24 YEARS, OCCUPATION: AGRICULTURIST R/O MAHENDERVADI, POLICE STATION RANIPUR, TEHSIL GHODADONGRI, DISTRICT BETUL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI AMIT DUBEY - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CHOPNA DISTRICT BETUL (MADHYA PRADESH)**

2. **VCITIM A S/O NOT MENTION THROUGH POLICE STATION CHOPNA DISTRICT BETUL (MADHYA PRADESH)**

.....RESPONDENTS

(BY MS. SHANTI TIWARI - PANEL LAWYER)

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

ORDER

This is first application under Section 439 of the Cr.P.C. has been filed on behalf of the applicant for grant of bail in connection with FIR/Crime No.288/2023 dated 05.09.2023 registered at Police Station Chopna, District Betul (M.P.) for the offence punishable under Section 363, 366-A, 354, 376-D, 506 of IPC & Section 3, 4 of POCSO Act, 2012.

2. Learned counsel for the applicant contends that the co-accused Raj @

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Gajendra Uike committed rape with the minor and the only allegation which has been levelled against the applicant is that he was standing near bike and caught hold hand of aunt (*Mausi*) of the victim . It is contended by the counsel that there is no allegation of commission of rape against the present applicant. The applicant is aged about 24 years and suffering incarceration since 06/09/2023 and his past antecedents are unblemished. There is no probability of his absconding or tampering with the evidence of the prosecution. Thus, counsel submits that the applicant deserves to be enlarged on bail.

4 . Per contra, learned counsel for the respondent as well as objector have opposed the prayer while submitting that taking into considering the active role played by the applicant, he is not entitled to be enlarged on bail.

5. Heard the submissions and perused the case diary.

6. A perusal of the case diary it reflects that the allegation of rape has been levelled against the co-accused Raj @ Gajendra and so far as the present applicant is concerned, the only allegation has been levelled against him that he was standing near bike when the incident was being taken place and had caught hold hand of the aunt of the victim. The applicant is in custody since 06.09.2023.

7. Considering the overall facts and circumstances of the case, period of incarceration of the applicant and the trial would take considerable time to conclude, this Court is of the considered view that it is a fit case to release the applicant on bail. Therefore, without expressing any view on the merits of the case, the application is **allowed.**

8. It is directed that the **applicant-Satish Uikey** shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction

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o f the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

9. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

10. Accordingly, this M.Cr.C. stands **disposed of**.

(MANINDER S. BHATTI)
JUDGE

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