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. 4645 of 2024

BETWEEN:-

AJAY SWEEPER(TAMBEY) S/O SHRIRAM TAMBEY, AGED ABOUT 19 YEARS, OCCUPATION: PRIVATE JOB R/O WARD NO. 2, CHANDASTOLAANUPPUR, POLICE STATION AND TEHSIL AND DISTRICT ANUPPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SOURABH SINGH - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KOTWALI ANUPPUR DISTRICT ANUPPUR (MADHYA PRADESH)**

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

.....RESPONDENTS

(BY SHRI SHAILENDRA MISHRA - PANEL LAWYER)

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

ORDER

This is first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.593/2023 dated 30.11.2023 registered at Police Station Kotwali District Anuppur for the offence under Section 363, 366, 376 (2) (n) of the I.P.C and Section 3/4 of POCSO Act.

2. Counsel for the applicant contends that the victim on her own volition

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came along with the applicant. It is further evident from the allegations levelled against the applicant that the applicant as well as prosecutrix were known to each other since last 5 to 6 months. It is also further contended that the applicant is aged 19 years and the prosecutirx is aged 17 years and 1 month at the time of alleged commission of offcence. Thus, taking into consideration the totality of circumstances the applicant deserves to be enlarged on bail.

3. The counsel for the State has opposed the prayer while submitting that the allegations are serious in nature.

4.Having considered the submissions advanced on behalf of the parties, it is evident from the perusal of statement of recorded under Section 164 Cr.P.C that the prosecutrix on her own volition came along with applicant and it is also undisputed that they were known to each other since last six months..

5. Thus taking into consideration the totality of the circumstances including the age of the applicant as well as prosecutrix, this Court deem it fit to release the applicant on bail, therefore, without commenting on the merit of the case, the application is allowed.

6. It is directed that the **applicant- Ajay Sweeper (Tambey)** shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

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

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(MANINDER S. BHATTI)
JUDGE

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