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. 58125 of 2023

BETWEEN:-

PRAKASH @ AKASH PRAJAPATI S/O BAPU LAL PRAJAPATI, AGED ABOUT 24 YEARS, OCCUPATION: SELF EMPLOYED R/O VILLAGE SEMALA GOGA, POLICE STATION KURAVAR, DISTRICT RAJGARH (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SANKALP KOCHAR - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION AISHBAG DISTRICT BHOPAL (MADHYA PRADESH)**

2. **VICTIM X D/O NOT MENTION NOT MENTION (MADHYA PRADESH)**

.....RESPONDENTS

(STATE BY SMT. GARIMA TIWARI - PANEL LAWYER)

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

ORDER

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.722/2021 registered at Police Station - Aishbag, District Bhopal (M.P.) for the offences punishable under Sections 363, 376, 376(2)(N), 506 of IPC and 5/6 of POCSO Act. Applicant is in detention since 18.11.2021.

2. As per the prosecution story, the complainant registered a complaint

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against an unknown person alleging that on 18.12.2021, she alongwith prosecutrix was at home and her three sons were gone for work. When complainant was in bathroom, prosecutrix, who is aged about 16 years and 11 months, was missing from the house. It is alleged that prosecutrix was kidnapped by an unknown person. On the basis of aforesaid, 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 18.11.2021. He has been falsely implicated. It is further submitted prosecutrix, who is about 17 years of age, went various places on her own will with the applicant. It is further submitted prosecutrix in her statements recorded u/S.161 and 164 of Cr.P.C. has not made any allegation against the applicant regarding commission of rape. It is further submitted that police has fabricated false supplementary statement under Section 161 of Cr.P.C. in which it is stated that applicant committed rape with prosecutrix, but in earlier statements of prosecutrix there was no allegation of rape against the applicant, which make the prosecution story doubtful. Charge sheet has been filed. 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

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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.

(PRAMOD KUMAR AGRAWAL)
JUDGE

Sateesh

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